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Security Council

Sixty-first year

Provisional

5470th meeting

Tuesday, 20 June 2006, 10.25 a.m.

New York

President:	Ms. Løj	(Denmark)
Members:	Argentina	Mr. Mayoral
	China	Mr. Wang Guangya
	Congo	Mr. Gayama
	France	Mr. De La Sablière
	Ghana	Mr. Christian
	Greece	Mr. Vassilakis
	Japan	Mr. Oshima
	Peru	Mr. De Rivero
	Qatar	Mr. Al-Bader
	Russian Federation	Mr. Churkin
	Slovakia	Mr. Matulay
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United Republic of Tanzania	Mr. Mahiga
	United States of America	Mr. Brencick

Agenda

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2006/361)

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06-39548 (E)

The meeting was called to order at 10.25 a.m.

Adoption of the agenda

The agenda was adopted.

Security Council resolutions 1160 (1998), 1199 (1998), 1203 (1998), 1239 (1999) and 1244 (1999)

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2006/361)

The President: I should like to inform the Council that I have received letters from the representatives of Albania, Austria and Serbia in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

On behalf of the members of the Council, I extend a warm welcome to Ms. Sanda Raskovic-Ivic, President of the Coordination Centre of the Republic of Serbia for Kosovo and Metohija.

At the invitation of the President, Ms. Raskovic-Ivic (Serbia) took a seat at the Council table; the representatives of the other aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Søren Jessen-Petersen, Special Representative of the Secretary-General and head of the United Nations Interim Administration Mission in Kosovo (UNMIK).

There being no objection, it is so decided.

I invite Mr. Jessen-Petersen to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2006/361, which contains the report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo.

As members all know, this is the last meeting of the Security Council at which Mr. Søren Jessen-Petersen will represent UNMIK as the Special Representative of the Secretary-General. His work has been remarkable; he has performed under very delicate political circumstances with great skill. I therefore take special pleasure, on behalf of the Security Council, in thanking Mr. Søren Jessen-Petersen for his outstanding and tireless efforts over the past two years as the Secretary-General's Special Representative for Kosovo.

I now give him the floor.

Mr. Jessen-Petersen: I thank you, Madam, for your kind words and for inviting me once again to brief the Security Council on developments in Kosovo.

Denmark was also, I recall, in the chair in May 2005 when this body decided to launch the comprehensive review of the situation in Kosovo. It was based on the findings of that review that, last October, the Security Council endorsed the Secretary-General's recommendation that a process should begin to determine Kosovo's future status. It is that process, now well under way under the leadership of Special Envoy Martti Ahtisaari, that is at the centre of current events in Kosovo.

Let me begin by saying that Kosovo today presents a picture of a society making steady progress. In saying that, I want to acknowledge the great determination and energy which Prime Minister Çeku has brought to Government since his appointment on 10 March. I am therefore delighted that the Prime Minister is with us here today and also that he has addressed a letter to the President of the Security Council.

Standards implementation is the exemplar of that progress. In my last report to the Council, covering events up to 20 December 2005, I expressed regret that the pace of standards implementation had slowed in the second half of 2005. By February, I was able to report here that the Government of Kosovo had begun to respond to those criticisms and that the process was

getting back on track. My latest technical review, reflecting events up to 30 April 2006, shows an across-the-board revitalization of the process. The Secretary-General's report before the Council today echoes those judgments and reinforces my observations that the performance of the Kosovo authorities has become dynamic and progressive as never before. There is, of course, a need for still further progress, but if the current momentum continues — and I am confident that it will — we can expect further concrete achievements over the coming months.

The pace of policy implementation has been matched by a far greater willingness on the part of Kosovo's new leadership to take the lead in reaching out to minority communities, in particular to the Kosovo Serbs. The most recent example of that is the Prime Minister's initiative to establish a community security council, which met for the first time last Friday. The council brings together the Government of Kosovo, the United Nations Interim Administration Mission in Kosovo (UNMIK), the Kosovo Force and other key players in an effort to promote improvements in the living conditions of Kosovo's most vulnerable communities — at this moment, notably, the Kosovo Serbs.

Despite those efforts, however, it remains a fact that the situation for many Kosovo Serbs remains very difficult. Many of them feel confused, exposed and isolated, and do not know what to think about the future. In the final analysis, Kosovo Serb communities are concerned about the status process, although I have detected in my many contacts with them all over Kosovo a willingness to start considering what life might be like after final status, including on the outcomes they might not welcome. All too often, the only message reaching Kosovo Serbs tells them not to engage with the majority. That is not healthy for the more open and integrated society we all want to see.

As an example, whenever there is any crime in which the victim is a Kosovo Serb, an ethnic motive is often proclaimed, usually without any evidence. Not only is that unfair to Kosovo as a society — a society, incidentally, in which violent crime is decreasing overall; more worryingly, it also perpetuates a climate of insecurity among Kosovo Serb communities. Of course, violent crimes need to be solved and prosecuted if citizens are to have faith in the justice system. We would all like to see quick results whenever harm is done to any citizen, but it is no service to the Kosovo Serbs themselves to present them only as targets and victims. Despite isolated incidents — and they really are isolated — the picture as it is painted does not correspond to the reality of Kosovo as it is now.

I therefore call again upon the Serbian authorities to work with us and the Kosovo Government to provide factual information about current events so that we do not promote a climate of fear and further isolation. I welcome the Contact Group's recent letter to the Government in Belgrade making those same points.

At this time of flux, as a new Kosovo is being built around them, a growing number of Kosovo Serbs would like to have a voice in the political process and in Kosovo's governmental and parliamentary institutions, but they feel that they cannot do so until Belgrade gives its consent. That has been the case for more than two years now. I do not see any merit in Belgrade's isolationist policy from the point of view of Kosovo Serbs. I do not see how the Kosovo Serbs can make informed choices and decisions about their own future within Kosovo if they are not even permitted to take part in the democratic processes there, be it centrally or locally.

At the grass-roots level, the Serbian Government's directive, which has obliged Kosovo Serbs working for certain Kosovo institutions to choose between their Belgrade and Pristina salaries, is, I am afraid, a divisive move and does a disservice to Kosovo Serbs at this sensitive time. Needless to say, in presenting those points to the Council, I take the opportunity also to call on Belgrade, as the Contact Group has done in recent days, to withdraw that damaging directive and to give its consent to those political actors in the Kosovo Serb communities who want to work in the interests of their community, in partnership with the institutions and Government of Kosovo.

Amidst those difficult issues, there have been some positive moves. In particular, I welcome the signing on 6 June of a returns protocol between UNMIK, Belgrade and Pristina, which should enable returns to take place on an agreed basis. The numbers of returns are steady, although still very low in absolute terms. However, there are currently more people wanting to return than there is available funding. We need to see a significant increase in both numbers of

returns and resources to support returns in order for those returns to be sustainable.

As I mentioned at the start of my presentation today, the status process is of the highest importance in Kosovo political life. Everything we do today is done against the background of managing expectations about and preparing for a settlement. It is the status process above all that is behind the reinvigoration of the political process in Kosovo. I would like in particular to acknowledge the spirit of cooperation which has characterized the Kosovo negotiators in the unity team and political group. For this, credit is due not only to President Sejdiu's leadership, but also to Prime Minister Çeku, Assembly President Berisha and, equally, to the opposition leader, Hachim Thaci and Ventran Sorai.

UNMIK is not a player in the status process. Our job is to fulfil our mandate as set forth in resolution 1244 (1999). But having said that, from the start it has been important to me that the activities of UNMIK in Kosovo should be consistent with and supportive of the status process being conducted out of Vienna. With that process gaining momentum, it is clear that we are moving towards the end of the UNMIK mandate. Much work has already been done on what will follow it. Of course, this work cannot prejudge what this Council might decide. Nevertheless, useful preparations are being made. The preparation already undertaken and the work that we will continue to do with partner organizations should allow UNMIK to achieve an orderly exit when the time comes so that Kosovo can experience an orderly transition.

Naturally, the status process carries with it risks as well as opportunities. Tensions may well rise as the process moves towards its conclusion. I am deeply concerned to see how violent crimes can quickly become politicized and used to provoke tensions and divisions, in particular, in the northern part of Kosovo.

In this context, it is important at this crucial moment that no measures are taken by any political actors in the region that may foment instability. We will never be able to entirely eliminate the risk of security incidents in a volatile environment such as Kosovo. But we are alert to the dangers, and we have been working more closely with the Kosovo Force (KFOR) — whose commander and whose members I would like to take this opportunity to salute — on strategies to respond to any eventuality and to keep down the risk of incidents that might escalate into something worse.

Indeed, the rule of law, as a whole, remains an issue of paramount importance for Kosovo. In some areas, much has been achieved. For example, we are proud of the development and performance of the Kosovo Police Service and the progress it has made since its establishment under UNMIK's aegis.

But there are areas where we will need to improve, and more needs to be done in the field of justice. I welcome the recent establishment in Pristina of a European Union planning team that will work with UNMIK to ensure that the rule of law sectors continue to receive the attention they need up to and beyond the end of our mandate. The future of Kosovo must be built on the solid foundation of the rule of law.

The year 2006 is extraordinary for Kosovo. It is vital for stability and economic and social progress in Kosovo and the region that the status process be brought to an early and successful conclusion. I am aware, of course, of some voices that say that everything is happening too quickly and that that introduces unnecessary risks. I hold the opposite view. I hold that after seven years of interim administration in Kosovo, the society is ready — indeed impatient — to move on. In fact, it would be a far greater risk to keep Kosovo in limbo for much longer.

At the moment, there is a feeling in Kosovo that progress is being made under a new, dynamic leadership. This dynamism is based on a vision of a transformed future, a future based on the Guiding Principles that there be no return of Kosovo to the pre-1999 situation, no partition of Kosovo and no union of Kosovo with any country or part of another country, and that the status outcome be acceptable to the majority in Kosovo while the rights of minorities are respected and protected.

UNMIK administration has extraordinary achievements to its credit. UNMIK will of course respect its mandate until the very end. However, there are now diminishing returns from this mandate and limits to what can be achieved by an international administration in the absence of clarity on status. Interim administration has been in place for seven years without a clearly defined endpoint. It is time for us, for Kosovo and for the region to move on.

Madam President, as you said, this report will be my last one to the Security Council before leaving my post at the end of this month. It has been a fascinating, at times difficult, but always rewarding post. I would like to take this opportunity to thank the Security Council for the unstinting support I have received since taking up the appointment two years ago. I am confident that the Council will, when the time comes, take a decision that will allow Kosovo to build the democratic, multi-ethnic society it envisions, and for which, I am proud to say, the United Nations has helped to lay the foundations.

I have served most of my United Nations career in the humanitarian field, and I have seen too much suffering in the Western Balkans over the last 15 years. My biggest hope as I leave my post is that the coming status agreement in Kosovo will finally allow the victims of the conflict on all sides to become the beneficiaries of a peaceful and lasting settlement, leading to a better future that they so thoroughly deserve.

The President: I thank Mr. Jessen-Petersen for his briefing.

I now give the floor to Her Excellency Mrs. Sanda Raskovic-Ivic, President of the Coordination Centre of the Republic of Serbia for Kosovo and Metohija.

Mrs. Raskovic-Ivic (Serbia): I am particularly pleased to be able to greet those present here today and express my respect for this body.

First of all, I would like to single out the singular importance of the Security Council as a guarantor for the preservation of universal principles of international law and the entire world order in establishing, building and ensuring future peace in Kosovo and Metohija and in the entire region of South-Eastern Europe.

As the successor State to the former Serbia and Montenegro, Serbia is firmly convinced that only by consistent implementation of international principles, such as the inviolability of sovereignty and the territorial integrity of democratic States, is it possible to maintain and promote peace and stability in the Western Balkans. We deem it particularly important to reiterate that Serbia is absolutely ready to assume its share of responsibility in the process of a successful resolution of the issue of Kosovo and Metohija on the basis of international law and in accordance with modern democratic values.

We come before the Security Council with full confidence, with the expectation that it will make its crucial contribution in the spirit of the documents it has previously adopted, primarily resolution 1244 (1999), of 10 June 1999, which unambiguously reaffirms the sovereignty and territorial integrity of our country. We are firmly convinced that the Council's future decisions also will be consistent with these fundamental United Nations principles.

We welcome the further encouragement of the dialogue on Kosovo and Metohija, that is, with respect to achieving a solution regarding the future status of Kosovo and Metohija. For Serbia, that status is substantial autonomy within the internationally recognized borders of Serbia.

However, I must point out that the report on the situation in Kosovo and Metohija and on the activities of the United Nations Interim Administration Mission in Kosovo (UNMIK) (S/2006/361), which is before the Council today, is not sufficiently clear, mostly because it proceeds more on the basis of unrealistic expectations than of facts. The report does not accurately reflect the situation regarding the implementation of standards.

I would like to recall that, in his comprehensive review of the situation in Kosovo (S/2005/635, annex), Ambassador Kai Eide rightly indicated that the only way to make progress is through the process of establishing future status and continuing the implementation of standards. Unfortunately, so far there have been no serious signs that any of those perfectly fitting and appropriate recommendations are being taken into account. Little progress has been made to resolve issues relating to property rights; returns have been almost frozen for a number of years now; and instruments for the protection of human rights and the rule of law are dead letters. According to a report by the Organization for Security and Cooperation in Europe, 44,000 cases are pending before the courts, while 17,000 damage compensation claims are on hold.

It is well known that human rights in Kosovo and Metohija have been violated on a massive scale. The very right to survival of Serbs and non-Albanians — a definite minority in the province — has been threatened. Every week — sometimes every day — we and UNMIK witness various forms of violence

perpetrated against the non-Albanian population. I must point out that two thirds of the non-Albanian population have been expelled from Kosovo and Metohija. In reality, low-intensity extremist violence is tolerated in Kosovo and Metohija, and there is no progress in the reconciliation process among the in-conflict communities.

Since June 1999, 929 Serbs and other non-Albanians have been killed or reported missing, and there have been 7,000 ethnically motivated attacks, 4,830 of them terrorist attacks. All of those crimes have gone unpunished. From 25 October 2005, when negotiations were announced and the Albanians were sent a clear signal about the need to freeze conflict actions, until recently, there have been at least 200 ethnically motivated attacks — that is, there is reasonable suspicion that they are such — against Serbs and other non-Albanians, in which 2 people died and 26 have been seriously wounded.

It is noteworthy that roads used by Serbs to travel from isolated areas have been targeted of late. Initially — at the beginning of last year — those attacks were focused on central Kosovo, on Lipljan and Gracanica. In the second half of the year, a series of 12 terrorist attacks was perpetrated on the road connecting Strpce with other Serbian communities, while buses on the road leading from the municipality of Gora to Prizren were shelled. This spring, the brunt of the attacks shifted to northern Kosovo and Metohija — the municipalities of Kosovska Mitrovica and Zvecan. The attacks were committed mostly at night, with automatic weapons being used against vehicles known to ferry Serbs and other non-Albanians.

Kosovo Albanian violence on 17 and 18 March 2004 demonstrated that stability in that part of Europe is fragile and that reconciliation between Serbs and Albanians is far from a reality. As many as 5,000 people were expelled, eight people were killed and 35 Orthodox churches and 935 homes were destroyed, as were 10 health institutions and Serb schools, in just two days. Six towns and nine villages have been ethnically cleansed. Of the 50,000 people who took part in the large-scale Albanian extremist action, only six men were remanded in custody. For the sake of comparison, I would like to point out that in post-Dayton Bosnia and Herzegovina there have been fewer than 200 ethnically motivated incidents over the past 10 years, while the same number occurred in Kosovo and Metohija in the space of only seven months.

The international community's proclaimed objective of making Kosovo a stable, democratic and multi-ethnic society is still far from being achieved. It has to be acknowledged that economically Kosovo is extremely underdeveloped: 600,000 able-bodied people, including 70 per cent of the young, are unemployed; the black market is flourishing; and human beings are trafficked and goods are smuggled. There is no rule of law and corruption is rife. Pervasive organized crime hampers economic recovery and presents a serious political, economic and security problem, as it primarily undermines people's faith in institutions.

The participation of Serbs in the work of the Provisional Institutions is one of the topics addressed in the report — and one of the true problems. We consider that it is of the utmost importance for Kosovo Serbs to participate and to play an active role in the political life of Kosovo and Metohija, but only under the condition that their participation is meaningful, that it is not merely a matter of political decorum and that the out-voting of Serbs is prevented. That implies that those institutions must be democratic and that all interested parties should be engaged in working towards the democratization of Kosovo and Metohija society.

Decentralization in Kosovo and Metohija is of great importance to the Serb community. It is not only about establishing closer links between citizens and the authorities, or about ensuring better and more efficient services to citizens. For Serbs in Kosovo and Metohija, decentralization is a vital condition, enabling survival, security and return. That is why the Serb negotiating team proposed the strengthened self-government of Serb majority municipalities, horizontal ties among municipalities and direct issue-oriented and transparent ties with Belgrade. Those proposals have nothing to do with the idea of the division of Kosovo and Metohija, as claimed by the Albanian representatives. They are merely a concrete and institutional response to the existing situation, in which the survival of the Serb community — and thereby the multi-ethnic character of Kosovo and Metohija — has ultimately been threatened.

The activities of the working groups established on the basis of the outcome of the Vienna meeting in 2003 are an important aspect in defining future status and in the peace process. The resolution of the issues of missing persons, returns, transport and energy

cooperation would certainly improve the overall situation and reduce the level of political tension. However, so far neither UNMIK nor Pristina has been overly enthusiastic about the process.

In our view, the security situation in Kosovo and Metohija is extremely precarious. We cannot agree with the assertion in the report that the security situation is stable, with a small number of inter-ethnic incidents. We express concern about the new wave of attacks against Serbian representatives, aimed at further intimidating the Serbian population right before the start of status negotiations.

The current situation in northern Kosovo and Metohija and the deployment of new KFOR contingents in the area should also be borne in mind. I would like to believe that their presence will strengthen security and lead to the establishment of cooperation with the Serbian community and its leaders. I also hope that we will be able to launch a joint struggle against organized crime and violence in the near future.

Considering the lack of progress with regard to the freedom of movement of minorities, the cessation of the operation of inter-city bus lines for minority communities because of budget constraints is of great concern. We also consider that the decision by the international police to cease police escorts for Serbian political representatives will lead to the further isolation of the Serbs in Kosovo and Metohija.

In the context of the unjustifiably accelerated transfer of competences to the Provisional Institutions in the field of the rule of law, we consider that the establishment of the Ministry of Police and the Ministry of Justice and the accelerated transfer of competences from UNMIK to those Ministries at the time of the launching of the political process to address the future status of Kosovo and Metohija are intended to influence the outcome of the negotiations by supporting the request of Kosovo Albanians — that is, at prejudging the future status of Kosovo and Metohija.

I would like to point once again to the observation in the comprehensive review of Ambassador Eide that the justice system is the weakest of Kosovo's institutions and that the further transfer of competences in those areas should be considered with great caution.

The failure to include certain facts in the report of the Office of Internal Oversight Services on the findings and conclusions with respect to corruption at Pristina airport (A/60/720) serves to conceal the real situation and to prevent the Security Council from gaining proper insight into the realities of Kosovo and Metohija and the effects of UNMIK's work. My Government considers the conclusions in the report to be very important, particularly the following:

> "With UNMIK peacekeeping operations winding down and in the light of the widely held view that the United Nations will withdraw from Kosovo in 2006, the reluctance by senior Mission management to address fraud and corruption will have a devastating impact on public perception inside and outside of Kosovo, as the United Nations will be seen as escaping from the problems rather than solving them." (*A/60/720, para. 46*)

My Government and hundreds of thousands of expellees are particularly concerned over the lack of progress in returns of internally displaced persons (IDPs). According to data of the United Nations High Commissioner for Refugees, 16,000 Serbian and other non-Albanian internally displaced persons have returned to the province; but according to the data available to the Coordinating Centre for Kosovo and Metohija and the Republic of Serbia Commissariat for Refugees, that number is only 2,000. Others have returnee status for largely administrative reasons. Take, for example, the case of the town of Prizren, where Albanians, Serbs and Turks — 12,000 members of each of those three national communities — lived before the war. Eight hundred Serbs are on the Prizren return list, but in fact only 16 Serbs live there.

We believe that the report before us provides a general assessment that the return and integration process continues to face challenges, but that it does not reflect the true picture of the problem. The assessment in the Secretary-General's report on UNMIK concerning the visible support of the Provisional Institutions in Kosovo and Metohija for the return process is unfounded. Special mention should be made of the report's observation that no progress has been made in the reconstruction of the property destroyed in March 2004. Of course, Belgrade supports all activities aimed at creating conditions for the return of expellees. In that context, we support the signing of the Protocol on IDP returns by representatives of the Coordinating Centre for Kosovo and Metohija of the Government of Serbia and by representatives of the

Pristina working group on returns. At the same time, I would like to point out that the conditions for returns will not be met by the Protocol, but by work in the field.

As you stated, Madam President, today, 20 June, is World Refugee Day. It has been seven years since Serbs and other non-Albanians were expelled from Kosovo, and they are still waiting to come home. In that connection, it is worrisome that since the previous Security Council meeting on this item, held in February (see S/PV.5373), no tangible progress has been made in the implementation of standards. The fact that no substantial progress has been made in the six rounds of negotiations on the future status of Kosovo is also a source of concern. Unfortunately, the flexible position of our negotiating team has not been reciprocated by the Albanian team, which has embraced a firm and single-minded position. Such a position serves more to fuel expectations and raise tensions among the majority Albanian population in Kosovo and Metohija than to help find solutions to serious problems in the province. The tensions have also been heightened by certain representatives of the international community — UNMIK, among others — claiming that the independence of Kosovo is the only possible outcome, or even a fait accompli.

Martti Ahtisaari has a narrow space in which to manoeuvre, but there is room for compromise. The narrow space for a solution can be found somewhere between the situation in Kosovo and Metohija up to 1999 and independence. Independence is not a compromise; independence means merely succumbing to one of those two positions. Serbia is totally opposed to any redrawing of the borders and believes that any "either-or" solution — making one side a winner and the other a loser — would not be good. Our negotiating team, political leadership and general public deeply believe that a solution must be found through negotiations, that it must not be imposed and that both sides must engage more wholeheartedly and be prepared for alternative solutions.

For its part, the Government of the Republic of Serbia has launched two initiatives aimed at providing new impetus to the negotiations. In its first initiative — submitted to the members of the Contact Group and Special Envoy Martti Ahtisaari on 19 May — my Government proposed that direct negotiations be started on the future status of Kosovo and Metohija. According to that proposal, direct negotiations between Belgrade and Pristina on the status of Kosovo and Metohija would begin with a high-level round of negotiations and continue with a discussion of key elements that would crystallise the status and that would be conducted in four working groups, on constitutional matters, security, economic questions and decentralization.

In its second initiative, submitted on 30 May, the Government of the Republic of Serbia presented a concrete proposal on the future status of Kosovo and Metohija. It is a compromise between two extreme positions: the status of Kosovo and Metohija prior to 1999 on the one hand, and independence on the other. It is the most concrete proposal that our side could have made, offering more than the standard autonomy that is known and practised in European countries. The proposal also calls for the conclusion of an international agreement that would be reached through status negotiations and would include basic principles and concrete provisions regarding the future status of Kosovo and Metohija. It would be signed and guaranteed by Serbia and the United Nations.

Serbia is ready, together with the Security Council and in line with international norms, to make every effort to reach a compromise solution to Kosovo and Metohija. We also trust that the United Nations and the international community will not succumb to threats of violence and pressure to break up a democratic State. We are convinced that that would thoroughly undermine the very foundations of the international order. Serbia is resolutely opposed to any attempt to impose a solution to Kosovo and Metohija, since that would imply dividing the country and taking away a part of its territory.

Since we believe that we embrace the same principles as those on which the legal order and the United Nations are based, we have no doubt that the Security Council will act in a just manner, applying the same rules and universal principles to Serbia that are valid for all members of the Security Council and States Members of the United Nations. I am fully convinced that the principles of international law and order substantially supersede any form of legal violence.

Convinced that the members of the Council will devote due attention to these positions, I express to you, Madam President, my gratitude for having been able to address this body.

Mr. Mahiga (United Republic of Tanzania): My delegation acknowledges the presence of the Prime Minister of Kosovo in the Council Chamber this morning. My delegation is also grateful to Mr. Søren Jessen-Petersen, Special Representative of the Secretary-General, for his informative briefing. We pay tribute to him and to the United Nations Interim Administration Mission in Kosovo (UNMIK) for their commitment and dedication in assisting Kosovo in the implementation of the standards and for their support for Mr. Martti Ahtisaari, Special Envoy of the Secretary-General, in the talks on future status. My delegation also recognizes the presence of Ms. Sanda Raskovic-Ivic, President of the Coordination Centre of the Republic of Serbia for Kosovo and Metohija, and thanks her for her insightful statement.

We congratulate the new leadership of Kosovo and commend the democratic process through which they were elected. That is a demonstration of the political maturity that will continue to be required in the progress towards a comprehensive settlement of Kosovo's future status.

When we discussed the issue of Kosovo in February this year (see S/PV.5373), we noted that progress had been made in the preparations for the talks on the future status of Kosovo. We were pleased to note that four rounds of direct talks among the parties have since been held in Vienna. However, we regret that the absence of Kosovo Serbs in these talks has continued to be highly conspicuous. The Secretary-General's report cites several other areas where the participation of Kosovo Serbs is lacking or has remained marginal.

Tanzania believes that for Kosovo to become a truly multi-ethnic and democratic society, all ethnic groups must be represented in all spheres of political life, including in future status talks. We therefore urge the Kosovo Serbs to fully cooperate and to participate not only in these talks but also in other Provisional Institutions. We share the Secretary-General's view that the leaders and the people of Kosovo also should increase their outreach efforts with respect to minority groups so as to promote confidence across ethnic lines and start engaging in reconciliation.

Madam President, let me thank you warmly for having reminded us that today is World Refugee Day. My delegation would like to express its solidarity with refugees and to commend all humanitarian organizations such as the Office of the United Nations High Commissioner for Refugees (UNHCR) for protecting, assisting and finding durable solutions to the problems of refugees the world over.

In that regard, we are concerned at the low number of refugees returning to Kosovo. We call for the creation of a conducive climate that will encourage refugees and internally displaced persons wishing to return to Kosovo to do so and that will ensure for them conditions of safety and dignity. Similarly, efforts should be geared towards improving the living conditions of, and providing opportunities for, the Serb community in Kosovo.

We are encouraged to note that regional integration has improved and that progress has been registered in the decentralization process despite the lack of participation by Kosovo Serbs. We are also pleased to note that the security situation has remained stable, albeit fragile. We commend UNMIK and KFOR for their even-handed determination to enhance security to support and shepherd the political process leading to a determination of Kosovo's future status.

We also welcome the efforts of UNMIK and other international partners in assisting Kosovo in the decentralization process and in other reforms, including in the police and the judiciary. We support UNMIK's restructuring to reflect the changing phases of Kosovo's political process and a possible international civilian presence in the future.

My delegation wishes to recognize the important role and contribution of all the different players in Kosovo, including United Nations agencies and the European Union.

I wish to express to Mr. Søren Jessen-Petersen our profound gratitude and appreciation for his tenacious work in Kosovo, in one of the most challenging post-conflict situations in recent years. He has brought to the challenge tremendous humanitarian and political experience, which we believe will contribute positively to the future of Kosovo. We wish him all the best in his future engagements.

Mr. Al-Bader (Qatar) *(spoke in Arabic)*: At the outset, I should like to thank Mr. Søren Jessen-Petersen, Special Representative of the Secretary-General, for the constructive efforts that he is making in Kosovo and for his technical assessment and the

progress that has been achieved in connection with standards for Kosovo.

The situation of Kosovo depends on the effective participation of Albanian and Serb leaders in this process, as the region is at a critical juncture with respect to forging a better future for itself. All categories must participate in the dialogue in order to ensure its legitimacy and sustainability. The international community must support these efforts and this process.

The Kosovo of the future will be stable and prosperous only if it is based on a recognition of multi-ethnicity. For that reason, national reconciliation and the participation of all of the parties in the process is a crucial element to ensure a multi-ethnic Kosovo. As a result, the participation of non-Albanian minorities in all of the workings of the State and society remains pivotal. To that end, the Government must continue its efforts to ensure governmental participation of minorities. Belgrade must also facilitate their work in the context of those institutions. That would be reassuring for the inhabitants of Kosovo, who would be returning in a climate of security.

We would like to know what measures are being taken to facilitate the return of refugees and displaced persons, and how financial support could improve the situation on the ground.

While the Special Representative has, in past assessments, pointed out the slow pace of standards implementation, his current assessment is more positive and indicates that a great deal of progress has been made in standards implementation during the period covered by the Secretary-General's report. We share his hope that the Provisional Institutions will sustain their current commitment, which will make it possible to accomplish even more in the months to come.

There is no doubt that the total commitment of the new Government and of the new Prime Minister, Mr. Çeku, to standards implementation, as well as the high priority given this process, will allow progress to be made in the implementation of the eight standards.

We commend the role that the United Nations Interim Administration Mission in Kosovo (UNMIK) in Kosovo is playing in supporting the Provisional Institutions, in the fight against crime and in adapting those structures so as to make them more competent and to promote a political settlement.

Mr. Wang Guangya (China) (*spoke in Chinese*): I should like at the outset to thank the Secretary-General for his report as well as Mr. Søren Jessen-Petersen for his supplementary briefing. We wish to express our regret at Mr. Jessen-Petersen's upcoming resignation. Over the past two years, he has made an outstanding contribution to the work of the United Nations Interim Administration Mission in Kosovo (UNMIK). China would like to express its appreciation for all his efforts.

We welcome also the presence of Ms. Sanda Rašković-Ivić, President of the Coordination Centre for the Republic of Serbia for Kosovo and Metohija, and the important statement she made.

In recent years, Kosovo and the Balkan region have undergone a series of political changes and are at a critical and historic juncture. China has always followed very closely the situation in the region, and we hope that the situation in Kosovo will remain stable and that new uncertainties will not arise in the Balkan region.

We have noted that, thanks to the concerted efforts of UNMIK and of the Provisional Institutions of Self-Government, considerable progress has been made in the implementation of standards. However, many challenges still remain in the economic, social and cultural fields and with respect to the problem of refugees.

The progress achieved in standards implementation will serve as a basis for the future status of Kosovo. It reflects the need to build a harmonious society in Kosovo in which all ethnic groups can coexist.

We welcome the will expressed by the Provisional Institutions and their leadership to implement the standards, and we hope that thoroughgoing efforts will be made and progress achieved. Members of the ethnic majority in Kosovo should assume primary responsibility for creating a social climate marked by security and tolerance; all others should cooperate with them in a positive manner.

The process to determine the status of Kosovo began last year. Since then, with the good offices and coordination of Mr. Martti Ahtisaari, Special Envoy of

the Secretary-General for the future status process for Kosovo, the authorities of Serbia and Kosovo have held many rounds of direct negotiations and have reached some consensus. China welcomes the continuation of such dialogue, which can help enhance mutual understanding and the search for common ground and can move the question of Kosovo onto a positive track. China supports all efforts to find a sustainable solution acceptable to both parties, through peaceful negotiations. The question of Kosovo is rife with very specific characteristics and complexities, and the international community should demonstrate great resolve and patience with respect to its resolution.

China has always respected the territorial integrity and sovereignty of the countries in the Balkan region. We have consistently held that an appropriate comprehensive resolution of the question of Kosovo should be based on the provisions of Security Council resolutions and that all the standards should be implemented. Both parties should be encouraged and assisted to reach compromise through a process of consultation. In a sincere and pragmatic spirit, all the parties concerned should promote the political process in Kosovo. Only with the attainment of economic development, social stability and ethnic harmony in Kosovo can the question of Kosovo be resolved satisfactorily.

Mr. Vassilakis (Greece): I should like to start by thanking the Special Representative of the Secretary-General, Mr. Jessen-Petersen, for all the work he has done over the past two years of his service as Special Representative of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo (UNMIK). We thank him also for his comprehensive briefing today.

We welcome the presence of Her Excellency Ms. Sanda Raskovic-Ivic, President of the Coordination Centre of the Republic of Serbia for Kosovo and Metohija.

We also welcome the presence of the UNMIK delegation, with Kosovo's Prime Minister, Agim Çeku.

Greece associates itself with the statement to be delivered later by the Permanent Representative of Austria on behalf of the European Union.

Three months on from the previous report of the Secretary-General to the Council, we are pleased to note that the Provisional Institutions of Self-Government, especially under the leadership of the new Prime Minister, have taken careful note of criticism with respect to progress in standards implementation and have responded with renewed efforts. Progress in the implementation of certain standards is now clearly discernible, as the Secretary-General concludes. We believe that the Provisional Institutions have fully realized the inescapable link between progress on standards implementation and progress in the political process to determine Kosovo's future. Functioning democratic institutions are continuously improving and growing stronger. Legislative measures are being adopted, and all the right structures across the board of a new civil service are being created. Further transfer of competencies in the area of rule of law has been implemented successfully.

Important legislative and other measures, however, still remain to be adopted. These should not be treated as secondary details to be dealt with at some later point. They are reflected in the 13 priorities that the Contact Group identified and communicated to the Provisional Institutions recently. They include, to name but a few: the adoption of laws on languages, cultural heritage and religious freedom; completing reconstruction and the provision of compensation with regard to properties damaged as a result of the March 2004 riots; adopting a public transportation strategy for minorities; and establishing an independent media commission.

Additional positive developments that are worth noting are the recent signature between Pristina and Belgrade of the Protocol on Returns and the progress reported in the preservation of cultural and religious heritage, and especially in the programme of reconstruction of church property damaged during the March 2004 violence.

At this point, though, what is sorely needed — but is only just limping along — is sustainable progress on substance that would give flesh and meaning to all those reforms. Also needed is progress that would translate a decision or measure taken in Pristina into fact and reality in Prizren, Gnjilane and Strpce, for example. Surely, complete progress in building a functioning democratic system cannot be considered to have been achieved so long as a part of the society that the system is supposed to represent refuses to participate. We cannot stress enough the value, above

all to themselves, of the Kosovo Serbs rejoining the Provisional Institutions and engaging in them.

Surely also, progress in reconciliation and in promoting the new democratic and multi-ethnic Kosovo will be impossible as long as the prevailing atmosphere for minorities is one of insecurity and severely restrained freedom of movement. The increase in security-related and violent incidents over the past month, especially in the north and with victims coming mainly from the Serb minority, is real and should not be ignored or downplayed. Some of the violent attacks that have occurred may not be ethnically motivated. It is therefore all the more essential that the facts be established and that people be given all the extra reassurance they need that their concerns and fears are being taken seriously into consideration and are being dealt with effectively.

As talks on political progress for the future status are under way, security on the ground — perceived, felt, monitored and achieved — acquires greater importance and should become an absolute priority for both the international presence in Kosovo and the Provisional Institutions.

As all of us here are aware, we cannot look at the picture on the ground in Kosovo independently of what is happening in Vienna in the political process for determining future status. Talks in Vienna have so far touched upon all the basic aspects of the relationship between the Kosovo Albanian and Serb sides, but progress has been limited. It is positive that, at least, the positions of the two parties have been set down clearly and that common concerns or points of eventual agreement have been identified. We continue to believe that further progress on standards — along, of course, with the necessary political will — is one of the main factors that can provide the necessary impetus for closing the gap between the positions of the two sides.

But we also think it opportune at this juncture to come back to the starting point and remind everyone of the basic rules of this exercise, as contained in the Contact Group guiding principles, which were endorsed by the Security Council last November: the settlement of status should be fully compatible with international standards of human rights, democracy and international law; the settlement of status must ensure multi-ethnicity that is sustainable; the settlement of status must strengthen regional security and stability; and there shall be no changes in the current territory of Kosovo.

Those principles constitute a right that can be claimed and an obligation that should be respected for both the Kosovo Albanians and the Serbs. In the coming months, as the political process in Vienna gathers speed, the efforts by the Provisional Institutions must keep pace and deliver further results. Such results will stand as the only proof that Kosovo is ready to move forward.

Mr. Churkin (Russian Federation) (*spoke in Russian*): We welcome the participation in today's Security Council meeting of the President of the Coordination Centre of the Republic of Serbia for Kosovo and Metohija, Her Excellency Ms. Sanda Raskovic-Ivic, and of the Head of the United Nations Interim Administration Mission in Kosovo (UNMIK), Mr. Søren Jessen-Petersen, and his delegation.

We take note of the report of the Secretary-General (S/2006/361) and of his Special Representative's briefing on the situation in Kosovo, Republic of Serbia. We also take note of the work of Mr. Jessen-Petersen as Special Representative of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo (UNMIK) during the past two years. However, we are obliged to note that the most recent report shows signs of rewriting Kosovo's reality. We must also note that, despite certain favourable trends and the promises made by the leaders of the Provisional Institutions of Self-Government in Kosovo, the implementation of standards in Kosovo still cannot be called satisfactory. Some of the positive peripheral developments in Kosovo — for example, the functioning of local governance — do not compensate for the continuing failure to implement standards in the region as a whole.

We associate ourselves with the Secretary-General's appeal to the leaders of the province to urgently address those problems while giving primary attention to priority areas, especially those of vital importance to national minorities. The Contact Group, along with UNMIK, transmitted to the leadership of the Provisional Institutions a list of crucial steps in that regard. Progress in those areas will be an important indicator of the readiness of Kosovo's leadership to establish the foundations for a multi-ethnic democratic society in which the members of all communities can live in decent and safe conditions. We hasten to add

that the tasks set out in that list constitute only a small part of what must ultimately be done. We count on close monitoring by the Contact Group as regards the implementation of standards by leaders of the province.

At the moment it is premature to say that the requisite guarantees of the rights, safety and freedom of movement of members of minority groups, especially Serbs, exist. The problems associated with decentralization and protecting the religious and cultural heritage of minorities are also far from being solved. The situation urgently requires greater efforts on this track by UNMIK, the representative of the Organization for Security and Cooperation in Europe and other European organizations. We would also welcome more energetic efforts in this area by the Council of Europe.

In the area of maintaining law and order, and specifically with regard to the progress made in investigating the anti-Serb pogroms of March 2004, we note that to date not a single network behind the pogroms has been eliminated. Of the houses destroyed two years ago, only slightly more than half have been rebuilt.

We are particularly concerned that, according to available information, between 24 October 2005 and 31 May 2006 there were a total of 187 attacks on members of the non-Albanian population of Kosovo. Fifteen of those cases involved firearms, and 11 included explosive devices. There were also 16 cases of arson, while 27 passers-by in cars had stones thrown at them. As a result of that, one person died and 21 were injured, 25 buildings were burned or damaged, four religious buildings were destroyed or seriously damaged, and 18 graves were desecrated. The list of the damage goes on. The troubles in that area are also evidenced in a series of incidents in northern Mitrovica, were victims are unfailingly Kosovo Serbs. Flagrant crimes against the Serb national minority are not fully investigated, and criminals go unpunished. To doubt that the vast majority of these crimes are ethnically motivated is to fly in the face of common sense.

The facts point to the urgency of the need for more effective international pressure on extremists in Kosovo. The international community must not give in to outrageous blackmail from extremists, whereby the wave of violence will continue if the province does not receive independence by the end of the year. Claiming political maturity, the authorities in Pristina, as well as UNMIK, must effectively put an end to such threats and, even more so, to such acts.

The sorriest state of affairs concerns freedom of movement. A prime example of that is the fact that the overwhelming majority of the inhabitants of the Serb enclave of Gracanica, near Pristina, have never been to the provincial centre. In other words, those people are living in total isolation due to fear and the lack of sufficient security on the roads.

We welcome the meeting between Mr. Sejdiu, President of Kosovo, and Bishop Teodosije, head of the monastery at Visoki Dečani. That should provide impetus to making progress in this area.

Nevertheless, the situation concerning the return of refugees and the rights of communities continues to be unsatisfactory, as the figures contained in the report confirm. That does not take into account those who registered their return, sold their property and once again left Kosovo. In order to rectify the situation we need not only political statements but also concrete efforts, including financial measures to improve living conditions on the ground and eliminate obstacles to the process of return.

We note in particular the role played by the United Nations Educational, Scientific and Cultural Organization and the Council of Europe in restoring Serbian Orthodox Church buildings in Kosovo. We count on continued attentive monitoring by those two international organizations. We share the Secretary-General's concern about the continuing acts of vandalism against religious shrines. Any incident of that nature requires firm condemnation, above all by the political leaders of the province.

The non-participation of Kosovo Serbs in the activities of the Provisional Institutions of Self-Government proves that Kosovo is still far from resolving the main task of creating a multi-ethnic and democratic society. The level of trust of minorities in the Provisional Institutions of Self-Government in Kosovo is still low. Moreover, non-Albanian communities have misgivings about the lack of democracy and systems to include minorities, as well as about the existing mechanism to monitor local implementation of decisions in the interest of all, rather than of a single community. A significant number of non-Albanians still have the impression that their

participation in the Provisional Institutions is more decorative than anything else. They feel that there is no real involvement in the decision-making process. The majority community must create a climate that encourages minorities, and Kosovo Serbs in particular, to cooperate with provincial authorities and take part in all spheres of life in Kosovo. In that regard, we believe that the attempts to shift to Belgrade the blame for the non-participation of Kosovo Serbs in the activities of the Provisional Institutions are wrong. Nor should Belgrade be blamed for the unsatisfactory situation vis-à-vis the standards.

We urgently call on provincial leaders to intensify their efforts to ensure real and stable progress in the implementation of standards, especially as regards those that are of priority to national minorities.

Given the defining significance of the standards for Kosovo's future, we categorically oppose attempts to defer their implementation to the post-status period. We view as unacceptable statements regarding predetermination of the question of the region's independence before the end of the year. We also oppose the notion, heard here and there, of "status, if it works, before standards". Arguments that the independence of the province would somehow make it possible for Pristina to implement standards more effectively are absolutely unfounded.

Achieving specific and effective progress on standards is one of the determining factors influencing the pace and success of the negotiating process that will determine the future status of Kosovo. We are convinced that only a qualitative correction of the situation regarding standards will serve to lay the foundation for productive progress in their implementation through the mediation of Martti Ahtisaari, Special Envoy of the Secretary-General, to find a negotiated compromise between Belgrade and Pristina. We note that the task of the international mediators should be precisely that of mediation and should not be an imposition of their own ideas, particularly if they coincide with those of only one side.

It is already clear that, even in the optimal outcome, lasting and genuine results in standardization can be assured only in the long term. Quite some time will also be required for the parties to reach an outcome in status negotiations. In that regard, we see no need for the status issue to be artificially hastened. We feel in that respect that it would be counterproductive to establish any kind of arbitrarily stringent timeframe. We base that assessment on the multiple potential versions of the status option. Parties to the direct negotiations must themselves identify, without outside pressure, a negotiated decision on the future status of Kosovo that satisfies both Belgrade and Pristina.

In that connection, it is of primary importance that, in the context of the forthcoming negotiating rounds, the Belgrade status platform be constructively considered alongside other proposals. The success of the collective efforts of the international community on Kosovo will depend on the consistent observance of Security Council resolution 1244 (1999) and of the guiding principles laid out by the Contact Group, as well as on ongoing and comprehensive monitoring by the Security Council of standards implementation in the province and the evolution of the negotiating process as the parties seek a mutually acceptable status solution.

A decision on the future status of the province must, in all circumstances, be comprehensive. The formula for resolving the problems of Kosovo – which are far from unique, by the way – will objectively have an impact on the development of situations in other conflicts. The Security Council must therefore support only negotiations, and not one-sided, unilateral or imposed solutions, for only negotiations will not set a negative precedent in the context of international crisis resolution.

Mr. Matulay (Slovakia): At the outset, allow me to join my colleagues in thanking the Special Representative of the Secretary-General, Mr. Jessen-Petersen, for his entire contribution to the peace process in Kosovo and for his briefing today. We believe that, at this critical stage for the international presence in Kosovo, we can hope for a new appointment soon.

Our appreciation extends to all the members of the United Nations Interim Administration Mission in Kosovo (UNMIK) team for their commitment and daily work.

On behalf of my delegation, I should like to welcome Ms. Rašković-Ivić, President of the Coordinating Centre of the Republic of Serbia for Kosovo and Metohija, and the presence of the Prime

Minister of the Provisional Institutions of Self-Government of Kosovo, Mr. Çeku, at this meeting.

The region of the western Balkans remains a natural priority of Slovak foreign policy for many reasons. Our involvement there is based on the principles of transparency and impartiality, aimed at strengthening the stability of the region and at supporting the democratization and integration process.

Slovakia aligns itself with the statement that will be delivered later this morning by the representative of Austria on behalf of the European Union. That is why I will limit my statement to the following points.

First of all, we wish to thank the Secretary-General for his evaluation of the situation in Kosovo, contained in his report on the United Nations Interim Administration Mission in Kosovo. We continue to believe that the role of UNMIK, as a consequence of the Security Council's decision to launch negotiations in order to define the future status of Kosovo, has become even more vital and instrumental to the peace, stability and prosperity of the region and to a lasting settlement of Kosovo's future status.

That is why we think that the current UNMIK report does not fully reflect the context in which it is presented. We had hoped for certain elaborations that would help us to facilitate our assessment of the ongoing political process, under the auspices of the United Nations. We deem the report to be unsatisfactory with respect to the following areas: Kosovo's institutions' ability to meet the challenges of democratization and the rule of law, with an emphasis on the issue of international organized crime, which threatens more than just Kosovo and its closest neighbours; the prospects for Kosovo's economic and political sustainability; its prognosis for multi-ethnic coexistence, which is directly proportionate to such issues as the return of refugees and internally displaced persons; and, last but not least, the question of whether Kosovo's ultimate status will contribute to the stability of the region.

Those critical issues for the determination of Kosovo's future status should be taken into consideration, and we look forward to receiving the forthcoming report of Mr. Ahtisaari, the Special Envoy of the Secretary-General for the Future Status Process for Kosovo.

Secondly, we note with some satisfaction the section of the Secretary-General's report in which he elaborates positively on general trends among Kosovo's new leadership on the ongoing issue of standards implementation. We commend the personal role and dedication of Prime Minister Çeku in that regard, which is also praised in the report.

However, in the context of the talks on future status, we think it critical objectively to evaluate whether the overall results in that regard are sufficient for further progress on the issue of future status, and vice-versa. The report's lack of directness in that regard, and the fact that the Contact Group has decided to redefine and narrow key standards, are indicators that the situation in this area cannot be considered to be as positive as it is presented. We therefore believe that the 13 priorities of standards implementation considered by the Contact Group deserve special support and a thorough overview by the Security Council, as well as by other entities.

Thirdly, in our view the participation of the Kosovo Serbs in the future status process, as well as their engagement in Kosovo's political life, are of cardinal importance. We therefore call on Belgrade to encourage the Kosovo Serbs to participate in the process and in the political life of Kosovo in order to influence the process, which will be decisive to the province's future. We also call on Belgrade and Pristina to allow Kosovo Serbs to exercise their rights in a way that will contribute to creating a positive atmosphere in the negotiating process and to the stabilization of the region.

However, we do not share the view that the official target of 16.6 per cent minority participation at the central level of the Provisional Institutions of Self-Government is in the best interests of the international community in Kosovo, as set down in Security Council resolution 1244 (1999). In our opinion, the current proportional key is not a good mobilization tool for minority participation in the central Government. The ongoing existence of parallel structures, as also mentioned in the report, is proof that minorities still do not trust the central Provisional Institutions of Self-Government.

It is our firm belief that the determination of Kosovo's future status is an extremely sensitive issue. It is already almost inevitable that its consequences will be felt beyond the region's borders. The starting

points in the Kosovo issue are linked to the situation as it was set up after the Second World War and intermingled with the ethnic and religious complexities of the region, which have endured for centuries. Those are the elements that make the Kosovo case sui generis and extraordinary.

While it may be problematic today to impose a desired solution on the international framework of conflict settlement, there are still many alternatives that could be explored. The potential failure of an incorrect solution could call into question the existing tools for conflict settlement that have been in use for decades. We therefore wish to repeat that we believe it necessary to find a lasting and balanced settlement of the future status of Kosovo. At the same time, as is also highlighted in the Contact Group's guiding principles for a settlement of Kosovo's status,

> "the settlement of the Kosovo issue should be fully compatible with international standards of human rights, democracy and international law and contribute to regional security".

We continue to believe that it is important to seek a negotiated settlement and compromise from both Belgrade and Pristina through direct talks and dialogue. Only such a solution, reflecting the objective concerns of all parties concerned and not considered to have been imposed from the outside, will contribute to the lasting security and stability of the region. In that context, we also believe that all options for the outcome of status talks should remain open. In the expectation of success in the status talks, we think it more than important that all participants in the talks refrain from any activities that could give Belgrade or Pristina the impression that the outcome of the final status talks has been prejudged.

In conclusion, I would like to reassure you that Slovakia, being a troop-contributing country to KFOR, is ready to continue its dedication to the peace, stabilization and integration process in the Balkans.

Mr. De Rivero (Peru) (*spoke in Spanish*): I would like to thank the Special Representative of the Secretary-General, Mr. Jessen-Petersen, for his presentation of the report on the work of the United Nations Interim Administration in Kosovo (UNMIK) during the first months of the year. With the announcement of his upcoming retirement from that post, my delegation wishes to express our gratitude for the dedication and effort that the Special Representative has shown as the head of UNMIK for almost two years. We wish him almost every success in his future endeavours.

We also wish to express our gratitude for the briefing given us this morning by Ms. Sanda Raškovič-Ivič, President of the Coordination Centre of the Republic of Serbia for Kosovo and Metohija.

The political process intended to determine the future status of Kosovo has made progress in the initial months of application. Even though it is premature to call for substantial agreements, we are encouraged by the active participation of both parties in those conversations, and by the progress in the conversations. We hope that as a result of this willingness we will soon begin to see initial understandings. My delegation reiterates its support for that political progress designed to find a negotiated solution. We also support the approach adopted by the Special Envoy to begin direct conversations between the parties on practical issues and to gradually move towards a future status.

But as we have said earlier, in the search for a future status for Kosovo it is important not to delay the implementation of standards. Indeed, important progress in the attainment of standards is a crucial condition in order to make progress in the political process.

Whatever territorial entity may emerge in Kosovo, it is important that it be a democratic entity, where there is respect for civil freedoms, where there is political and religious tolerance, where there is respect for minorities, where there are economic opportunities for all, and where power is transferred periodically in a democratic fashion. The implementation of standards is fundamental in order to establish an entity of that nature and thus to help in the attainment of a European vision for that region.

We are pleased to note the renewed commitment with which the new leaders in Kosovo have proposed to carry out the pending tasks in the implementation of standards. Even though we understand that there are major areas in which significant progress is yet to be firmed up, the actions that have been undertaken and that are set out in the report do make us hopeful about short-term results. However, we must reiterate that all the parties concerned must join and cooperate in that process, which is decisive for their own future. The building of a multi-ethnic and democratic society

requires the active participation of all parties involved in order to build a consensus that would make it possible to lay the foundations for a lasting solution to the question of Kosovo.

In the implementation of standards, a priority is reconciliation and the promotion of the return of displaced persons, as well as full respect for the diversity of the population. We welcome the recent signing of the protocol, on 6 June, by representatives of Serbia and of the Kosovo region to speed up the return of displaced persons. The signing of that instrument reflects the political will of the parties to deal with the problem, which is crucial. Direct conversations on the return of the displaced persons, which have begun and which will continue at the expert level, should be encouraged by the international community with a view to producing concrete facts, which would create a new, positive environment in the treatment of the question of Kosovo.

One aspect that my delegation considers central in standards implementation is progress in building a viable economy in Kosovo, one with enough productive capacity to ensure economic sustainability and future democracy in Kosovo. A viable economy is still quite remote in Kosovo, and thus there are doubts that a future multi-ethnic democracy can be sustainable in a country with such extreme poverty. We hope that the economic actions presented in the report to modernize the economy will in the short term generate jobs and opportunities so that the local population can become part of the economy and in that way help fight the disturbing crime and international illegal activities in Kosovo.

Mr. De La Sablière (France) (*spoke in French*): At the outset I should like to thank Mr. Jessen-Petersen for his briefing and for his steady commitment to the stabilization and development of Kosovo, as demonstrated by the considerable progress that we have seen today. I wish to join my voice to all those who today have paid a well-deserved tribute to him as he is about to leave his post.

I am pleased to welcome here Ms. Rašković-Ivić, President of the Coordination Centre of the Republic of Serbia for Kosovo and Metohija, and, in Mr. Jessen-Petersen's delegation, Mr. Çeku, Prime Minister of Kosovo.

The representative of Austria will make a statement as President of the European Union, with which I associate myself fully. I will make a few remarks of my own.

First, I wish to stress the fresh impetus given by the authorities of Kosovo — particularly by the new Prime Minister, Mr. Çeku — to implement the standards concretely and swiftly. Tangible progress has been made in accordance with the demands by the members of the Council. Dialogue with minorities, beginning with the Serbian minorities, is encouraging. We fully share the positive evaluation by the Special Representative of the Secretary-General in this respect.

The Kosovo authorities must continue to make determined progress along that path. Many concrete measures remain to be adopted — and swiftly — particularly as regards the 13 priorities identified by UNMIK and the Contact Group relating to the protection of minorities and the rule of law. Progress in that respect will be an essential criterion when the time comes to determine the status of Kosovo.

No lasting stabilization will be possible without the reconciliation of the communities. The violence directed at minorities referred to in the report of the Secretary-General shows that such reconciliation is still a long way away. The transfer to the Provisional Institutions of competencies in the areas of justice and the police should lead to the creation of an impartial administration capable of combating such violence. But that necessary reconciliation will require the Kosovo Serbs to agree to participating in the Provisional Institutions — which is in their own interests — as the authorities in Kosovo have invited them to do. In this respect, we share the concerns expressed by the Secretary-General regarding the pressure on Kosovo's Serbs to discourage them from doing that. The Belgrade authorities must encourage such participation, not hold it back.

The evolution of the situation on the ground is linked to the development of the political process regarding future status. Direct dialogue under the auspices of Mr. Ahtisaari has intensified, thanks to the active participation of both parties. The Kosovo negotiating team has made constructive proposals in terms of decentralization. Despite the difference in positions, it seems that it would be possible to find common ground on certain concrete questions, and in that area in particular. As the report of the Secretary-General stresses, the parties must display flexibility and a spirit of compromise.

Lastly, the international community must remain present one way or another in Kosovo, both to ensure the implementation of future status and to guarantee the stability of the entire region. That presence should no longer be through UNMIK, because we feel that its mandate will be concluded once status has been defined. The European Union will have a role to play, particularly in terms of justice and the police, and France is ready to make its contribution and to play its part.

Ms. Pierce (United Kingdom): I, too, would like to welcome Prime Minister Çeku here today, for the first time since his appointment. I also welcome Ms. Raskovic-Ivic and thank her for her statement.

The United Kingdom associates itself with the statement to be made later by the representative of Austria on behalf of the European Union.

The United Kingdom would like to express its gratitude to the Special Representative, Mr. Søren Jessen-Petersen, for the absolutely outstanding work that he has done for two years in Kosovo. He has transformed and reinvigorated the United Nations Interim Administration Mission in Kosovo (UNMIK) and has worked relentlessly with the Provisional Institutions to ensure genuine progress on standards and minority rights. The fact that Kosovo was in a position last autumn for the status process to begin is due, in no small part, to his efforts. His and his team's tireless commitment, energy and perseverance do them — and, as a consequence, the United Nations — enormous credit. We thank his family, too, for the support that they have given him as he has carried out his vital task. The United Kingdom would like to wish him every future success.

His successor will have a hard act to follow. The United Kingdom looks forward to having a productive working relationship with him or her, as UNMIK continues to reform and Kosovo learns difficult lessons about accountability and responsibility. More hard work will be needed, especially to continue Søren Jessen-Peterson's good work in reaching out to minority communities to help create an environment in which all communities can coexist in stability and prosperity.

I would like to make four brief points on priorities for the coming months.

First, the Secretary-General's report makes clear that substantial progress has been made on standards implementation and outreach to minority communities. That is welcome, but it must be sustained. Further progress is needed across the board, for example in minority rights legislation and the reconstruction of damaged and destroyed property. We look forward to some important steps in that regard being taken by the Assembly in the coming weeks.

The international community and the Council remain focused on monitoring concrete results, as shown by the Contact Group letter to Pristina of 9 June, which specifies — as the representative of France mentioned — 13 priority areas with set time boundaries for progress.

I would like to strongly echo what the representative of Peru said, that the future of Kosovo is as a functioning democracy and economy. I also endorse what he said about the European vision. Of course, we want that European future to apply to Serbia, too.

Secondly, the Kosovo Government's efforts to reach out to minorities have been impressive. The inter-faith conference hosted by the Serb Orthodox Church, and President Sejdiu's visit to Kosovo Serb areas, are very positive signals. Such initiatives, however, can make meaningful progress only if they are reciprocated. It is hard to see how Belgrade's persistence in actively discouraging Kosovo Serbs from joining Kosovo's institutions or political life serves their interests. It does not serve the interests of the Kosovo Serbs. The future of the Kosovo Serbs in Kosovo is as active participants and contributors, not as an insular and disenfranchised community.

Thirdly, the Contact Group's letter to Belgrade of 9 June called on the Serbian leadership to stop obstructing processes that can only improve the lives of Kosovo Serbs. Belgrade's active and constructive engagement in the Kosovo status process is the best way to preserve, protect and promote the interests of Kosovo's Serbian community. But it is also a vital part of Belgrade's own rapprochement with the rest of Europe, so that it can take its rightful place there.

I welcome what Ms. Raskovic-Ivic said about the importance of Kosovo Serb participation in the political life of Kosovo. That is very welcome, but I encourage Belgrade not to make it conditional on agreement to decentralization. Decentralization is an

important part of Kosovo's future. Talks are under way in Vienna, and they deserve our support. But Kosovo Serb participation is needed now, without preconditions.

Finally, I would like to emphasize that the United Kingdom continues to support, unreservedly, the Secretary-General's Special Envoy for Kosovo's future, Martti Ahtisaari. I will reserve our comments on status until his presentation later this summer. But I would like to respond to a couple of points that have been made today, including one point from Mrs. Raskovic-Ivic about international order and legality.

The United Kingdom recalls the Contact Group ministerial statement of 31 January, which was supported by the United Nations, the European Union and NATO. The solution to status must be acceptable to the people of Kosovo. There is a sound basis for that in the United Nations Charter.

I would also like to echo what the representative of China said about the great specificities and complexities of the Kosovo situation. It is true that the day-to-day problems of Kosovo, particularly in the economy, are not unique to that place. But Kosovo is uniquely placed in the panoply of post-conflict situations by virtue of the events of 1998 and 1999, resolution 1244 (1999) and the existence of the status process, led by Martti Ahtisaari. The resolution of status will enhance regional stability, not detract from it.

The United Kingdom is serious about the commitments the Contact Group expressed in its guiding principles and the 31 January statement. We are working intensively towards a settlement during 2006. The international community cannot allow the future status process to be delayed.

Mr. Brencick (United States of America): We, together with other members, welcome the Special Representative of the Secretary-General, Mr. Jessen Petersen, back to the Council and thank him for his encouraging report on progress in Kosovo. He has done an outstanding and exemplary job in his position in the leadership of the United Nations Interim Administration Mission in Kosovo (UNMIK). We regret his departure on 30 June, but wish him all the best in his future endeavours.

We welcome the progress that the Special Representative has documented in Kosovo. In particular, the United States congratulates Kosovo's President Sejdiu and Prime Minister Çeku on for their bold calls for ethnic reconciliation and for actions taken to improve the lives of Kosovo's minority communities.

We recognize, however, that more work needs to be done, particularly in the short term, to build confidence among Kosovo's minorities. This is critical while negotiations on Kosovo's future status are under way. Symbolic overtures are important, but we also need to see more results on the ground. Kosovo's leaders must continue to demonstrate, through their actions, a commitment to reconciliation and an ability to govern effectively. The first steps are encouraging, but the Kosovo Government needs to maintain this momentum.

We welcome the decline in potential ethnically-motivated crimes, as reported recently by UNMIK. We urge leaders of all groups to condemn all violence and to vigorously prosecute acts perpetrated against ethnic minorities. We also urge leaders to refrain from alleging ethnic motives for crimes until facts are known.

We note that Belgrade has important responsibilities to help improve the situation in Kosovo as well. In particular, Belgrade can cease obstructing Kosovo Serbs from participating in Kosovo's institutions. Participating in those institutions will allow Kosovo Serbs to advocate their own interests most effectively.

The implementation of standards must continue after Kosovo's status is determined. Full implementation of the standards will be an important part of Kosovo's long-term democratic development and of its future integration into Europe. We continue to support Martti Ahtisaari, the Secretary-General's Special Envoy, leading the Kosovo status process. We look forward to his consultations with the Security Council this summer.

The United States calls on both sides to engage seriously and constructively with Mr. Ahtisaari, particularly on the issues most critical to Kosovo's long-term stability, such as decentralization and the rights of minorities. We urge both sides to be realistic about the outcome of the status process. I would only repeat what the Special Representative of the

Secretary-General, Søren Jessen-Petersen, just said: there will be no return to the Kosovo of the pre-1999 situation, no partition of Kosovo and no union of Kosovo with any other — or part of any other — country. Kosovo must remain multi-ethnic, and a settlement must be acceptable to the people of Kosovo.

Finally, all possible efforts must, in our view, be made to achieve a negotiated settlement in the course of 2006. Further delay would prolong instability, as just noted by the Special Representative of the Secretary-General.

Mr. Gayama (Congo) (*spoke in French*): At the outset, I, too, should like to thank Mr. Søren Jessen-Petersen, Special Representative of the Secretary-General, for his presentation. His briefing, which provided the Council with useful details, and the report of the Secretary-General (S/2006/361) give us a clear picture of the situation in Kosovo — a situation that recent events have made even more disturbing.

Indeed, we are concerned by certain unilateral statements and initiatives that could threaten to destabilize the situation on the ground. We refer in particular to the recent demonstrations against the United Nations Interim Administration Mission in Kosovo (UNMIK), which only serve to heighten needless tension at a time when the international community is calling for more responsibility, particularly to give every chance to the political process, which has just begun, to determine Kosovo's future status.

Permit me to pay a well-deserved tribute to Mr. Søren Jessen-Petersen, who is preparing to leave UNMIK, for his far-sighted activities during the past few years in a particularly difficult environment. During his mandate, he was able to carry out and consolidate activities to combat crime and to promote economic recovery and the building of a multi-ethnic society. The Secretary-General's periodic report clearly indicates the favourable developments noted in recent months as a result of those activities.

Thanks to the impetus provided by UNMIK, many initiatives have been undertaken to enable members of the Serb community and other minorities to feel that they belong in Kosovo and are living in peace and security. We must build on those results for the long term.

During this period, UNMIK satisfactorily transferred competencies to the provisional authorities — represented here today by Prime Minister Çeku — in various areas such as respect for the rule of law, the police and justice, while retaining general jurisdiction on those issues. This is now enabling the Pristina authorities to carry out daily administration of their own affairs. We are pleased to note that the recent political changes have not altered such cooperation, which is being demonstrated at all levels, including the local level. The commitment of the new authorities to continue investigating the crimes committed in March 2004 is an encouraging sign for the affirmation of justice and the fight against impunity.

However, those positive developments must be built upon, because they remain limited. Although the Secretary-General highlights some areas of progress, we must note that, since the Security Council's last meeting on Kosovo (see S/PV.5373), there has been much work to do in the areas of deepening democracy and building the rule of law and respect for the rights of minorities, which remain among UNMIK's top priorities.

In that regard, we note several sources of concern. The implementation of the standards must be a prerequisite for Kosovo's future development. We must note that, whether it be dialogue with Belgrade, Serb participation in the political process and in the Provisional Institutions, economic development, the strengthening of security or the return of refugees and displaced persons, there have been too few results so far. That could compromise the attainment of the Contact Group's objective of concluding the political negotiations during 2006.

Only reconciliation and confidence among the various communities can attain what must remain the international community's objective: building a modern, multi-ethnic and democratic Kosovo in keeping with the standards established by UNMIK and in everyone's interests. Thus, we look forward to the briefing to be made by Mr. Martti Ahtisaari, Special Envoy of the Secretary-General, on the developments in the political process. Of course, we wish him every success.

Mr. Oshima (Japan): While the talks on the future status of Kosovo are drawing much of the international community's attention, the issue of

standards implementation also needs to be closely monitored by the Security Council. We thank Mr. Jessen-Petersen, Special Representative of the Secretary-General, for his comprehensive briefing. Japan appreciates the initiatives undertaken by Mr. Jessen-Petersen and by Prime Minister Çeku of the Provisional Institutions of Self-Government to promote standards implementation. We welcome the presence of the delegation of the Provisional Institutions, led by Prime Minister Çeku, in this Chamber today. I also thank Ms. Raskovic-Ivic, representative of the Republic of Serbia, for her detailed statement.

Japan sent an expert-level mission to Kosovo in March, followed by the dispatch in May of Vice-Minister for Foreign Affairs Yamanaka to the region in order to be apprised of the political, social and humanitarian situation on the ground — including the progress being made in the standards implementation plan — and to reaffirm to the authorities of the Provisional Institutions the importance we attach to standards implementation.

We are encouraged by the good progress being made in this regard, as the Secretary-General has noted in his latest report. We appreciate in particular the important initiatives taken by President Sejdiu and Prime Minister Çeku to visit and talk with municipalities and minority communities, as concrete attempts at confidence-building among communities. The standards implementation plan itself has already been elaborated, with detailed assessments of the needs of minority communities. They need to be acted upon, and we ask the leadership of the Provisional Institutions of Self-Government to continue those outreach activities to minority communities so that they can grasp their real needs.

We also appreciate the initiative of the Contact Group aimed at identifying 13 key areas for standards implementation. This will not only be useful to the Provisional Institutions of Self-Government in policy planning and implementation but could also lead to further desirable developments through closer interaction among the Provisional Institutions, the Contact Group and the international community, as stated in the letter from Prime Minister Çeku to the Secretary-General dated June 16.

These signs of progress notwithstanding, we are concerned that there is a lack of progress in promoting the participation of Kosovo Serbs in the political process in Kosovo. We wish to reiterate that non-participation, and encouragement of non-participation by whomsoever, is to be avoided, since it would not be conducive to a positive outcome.

Likewise, we are concerned that not much has been achieved in the area of freedom of movement and that there has not been any significant number of internally displaced persons and refugees returned to Kosovo. It is our expectation that KFOR and the Kosovo Police Service (KPS) will continue to work to improve the security situation.

With respect to the issue of future status, the Government of Japan extends its full support to the initiatives taken by the Secretary-General's Special Envoy, Mr. Ahtisaari. We look forward to substantive discussions on this issue in the Council when he visits the United Nations next month.

Last but not least, we commend the United Nations Interim Administration Mission in Kosovo (UNMIK) and the other international players deployed in Kosovo for their contributions. In particular, as Mr. Søren Jessen-Petersen has indicated his intention to resign soon, the Japanese delegation expresses its deep appreciation to him for the outstanding contributions he has made over the years in leading UNMIK and as a humanitarian. We would like to express our hope that the spirit of unity with the Provisional Institutions of Self-Government that he has engendered in working towards the standards implementation will be fully embraced by his successor. We wish Mr. Jessen-Petersen every success in future.

Mr. Christian (Ghana): I would like to acknowledge the presence of the Prime Minister of Kosovo and of the President of the Coordination Centre of the Republic of Serbia for Kosovo and Metohija.

On this occasion — World Refugee Day — my delegation joins other States Member of the United Nations in expressing solidarity with all refugees, displaced persons and victims of war, natural and man-made disasters.

My delegation wishes to express its appreciation to Mr. Jessen-Petersen for his comprehensive briefing and to congratulate him for his exemplary work as Special Representative of the Secretary-General. We

take this opportunity to wish him success in his future endeavours.

We are greatly encouraged by the fact that the authorities in Belgrade and Pristina are engaged in direct and sustained negotiations on a broad range of issues, including on power structures, issues related to cultural and religious heritage, as well as the economy. All these affect the vital interests of the various population groups, and we eagerly await the outcome of the negotiations. Hopefully, it will be a win-win situation for all.

My delegation remains convinced that the path to social harmony and lasting peace in Kosovo must be based on a deliberate policy of inclusiveness and respect for the rights of all ethnic groups. The importance of the principles embodied in the standards cannot be overstated. They constitute the bedrock of a democratic, stable and prosperous Kosovo, and we are pleased with the determined efforts by the leadership of the Provisional Institutions of Self-Government of Kosovo to meet the benchmarks. Whatever the outcome of the final status negotiations, the vision of a multicultural, tolerant, open and democratic Kosovo must not be compromised.

In that regard, we call on the Kosovo Serbs and other ethnic minorities to take full advantage of the guarantees enshrined in the standards in order to secure a meaningful role and greater well-being in the future Kosovo. While we acknowledge that the wounds of war will take time to heal, we believe that that should not blind any ethnic group to the realities of a shared destiny with others with whom they share longstanding historical ties. It is only by participating fully and meaningfully in the ongoing dialogue that each group can make its fears, interests and aspirations heard and understood by its counterparts.

In the meantime, my delegation wishes to commend the leadership of the Provisional Institutions of Self-Government for the bold steps they have taken to reach out to the minority groups. We encourage them to keep knocking on the doors of the Kosovo Serbs in particular until they join in the process of forging a common destiny for all the people of Kosovo.

Undoubtedly, this must be a most challenging period for the authorities in Belgrade as well. We can only encourage them, in weighing their options, to be guided by the larger interests of peace and stability in the Balkans, without which the region's economic and political potential cannot be fully realized.

Finally, we join other delegations in appealing for additional assistance for the Provisional Institutions of Self-Government to enable them to carry out their capacity- and confidence-building programmes.

Mr. Mayoral (Argentina) (*spoke in Spanish*): At the outset, I would like to join other members who spoke before me in expressing our gratitude to the Special Representative of the Secretary-General, Mr. Soren Jessen-Petersen, for the comprehensive report he has given us on the activities of the United Nations Interim Administration Mission in Kosovo (UNMIK) as well as on the developments that have taken place in the province. As Mr. Jessen-Petersen has recently announced that he will soon be leaving his post, we would like to commend him for his commitment to Kosovo and for the professionalism he has demonstrated in fulfilling his mandate.

We would also like to thank the President of the Coordination Centre of the Republic of Serbia for Kosovo and Metohija, Ms. Sanda Rašković-Ivić, for her statement. We note also the presence of the Prime Minister of Kosovo in the Special Representative's delegation.

We understand that currently there are two processes in Kosovo which are running in parallel. On the one hand, the process to determine the future status of Kosovo has moved forward. Despite the violence that has taken place, it is encouraging to note that direct talks between the parties have shown that there is a certain level of convergence on some concrete issues, though substantial differences still persist. It should also be pointed out that it is the parties themselves that are responsible for ensuring progress in those talks, of which the outcome should be a mutually beneficial agreement. For the process to succeed, it is vital that the outcome — whatever it might be — should be the outcome of negotiations between the parties and not an international imposition.

We are pleased also to note the progress detailed in Mr. Jessen-Petersen's report with regard to the implementation of standards, which is evidence of the commitment of the political leaders and of the Provisional Institutions of Self-Government of Kosovo to realizing the objectives set by the international community. We agree with the Special Representative that real progress regarding standards is a key factor in

setting the pace of the political process aimed at determining the future status of Kosovo. We would also underline the actions taken that have allowed for the revitalization of the implementation process, and we urge the Government of Kosovo to deploy vigorous efforts in the key areas identified in the report, including the incorporation of Kosovo Serbs in the Provisional Institutions; the promotion of confidence and reconciliation between both communities; and ensuring that due attention is given to the security situation and the rule of law, bringing to justice those who are responsible for acts of violence.

Argentina believes that there can be no prosperous or peaceful future for Kosovo without full respect for the diversity of its people. We think that it is necessary, and possible, to reach a sustainable solution for Kosovo with full implementation of the principle of territorial integrity. This political process must be fostered by real progress in the implementation of the eight standards. Standards implementation is also a requirement for realizing Kosovo's European perspective, and it must continue to be the core of the efforts during the process of status determination, and even after that process has been completed. We urge the Provisional Institutions to continue the vigorous implementation of the standards in order to fulfil the aim of laying the foundations of a multi-ethnic and democratic society in Kosovo, where all communities can live in dignity, security and democracy.

The President: I shall now make a statement in my capacity as the representative of Denmark.

Like others, I would like to thank the Secretary-General for his report (S/2006/361) and Mr. Søren Jessen-Petersen, Special Representative of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo (UNMIK), for his briefing.

I would also like to thank Ms. Sanda Raskovic-Ivic, President of the Coordination Centre of the Republic of Serbia for Kosovo, for her statement.

I associate myself with the statement to be delivered by the Permanent Representative of Austria on behalf of the European Union.

I recall the discussion in the Council on the UNMIK report (S/2006/45) in February this year (see S/PV.5373). The general assessment by Council members was that standards implementation had been too slow. Thus, the prevailing message was a call for Kosovo's political leaders to renew their efforts to improve the implementation of standards. We are pleased to note that efforts have indeed improved. Denmark would like to welcome the alertness and the political willingness to move forward shown by the new administration in Pristina. Denmark shares the assessment by the Secretary-General that the Provisional Institutions are indeed enhancing their efforts to implement the standards.

While we welcome the concrete steps taken by the Provisional Institutions, it is also clear that these do not automatically alter the situation on the ground. The leadership of the Provisional Institutions needs to keep up the commitment and ensure that political decisions trickle down, yielding improvement on the ground. Denmark agrees with the assessment by the Secretary-General that real reconciliation depends on the prevailing mindset of the majority population. Every effort has to be made to create confidence amongst Kosovo's groups, confidence that is sorely missing. That is essentially the main challenge ahead for the political leaders of Kosovo.

It is with some concern that we have received reports about Kosovo Serb representatives cutting off cooperation with the Provisional Institutions and urging public servants to withdraw from their positions. Encouragement of a spirit of non-cooperation is not in anyone's interest. It will only lead to isolation and forced decisions. We hope that Belgrade will encourage the Kosovo Serb leaders to participate constructively in the Provisional Institutions. We all wish for a sustainable solution to Kosovo's future. That will not be brought about by a spirit of non-cooperation and isolation. The primary beneficiaries of a sustainable status solution will be all Kosovans regardless of ethnic group, the population of the Republic of Serbia and indeed all the people of the Western Balkans. Therefore, cooperation and participation are in everyone's best interest.

My country views Kosovo as a key regional issue. Denmark steadfastly supports UNMIK, the UNMIK police and the Kosovo Force. We look forward to a more peaceful and prosperous future, which the peoples of the Western Balkans deserve. That will entail close regional cooperation between former foes and efforts towards the common integration of these truly European countries into the Euro-Atlantic

institutions where they rightfully belong. However, the Euro-Atlantic perspectives depend on implementation of standards and a sustainable solution to Kosovo's future status.

Let me conclude, still in my national capacity, by thanking Mr. Søren Jessen-Petersen for his outstanding work in Kosovo and wishing him all the best in the future.

I now resume my functions as President of the Security Council.

I give the floor to the representative of Austria.

Mr. Pfanzelter (Austria): I have the honour to speak on behalf of the European Union (EU) and the countries aligning themselves with this statement.

Let me begin by thanking Søren Jessen-Petersen, Special Representative of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo (UNMIK), for his briefing, and by reiterating the European Union's full support for his work. We would also like to warmly welcome the participation of Sanda Raskovic-Ivic, President of the Coordination Centre of the Republic of Serbia for Kosovo. At the same time, we also warmly welcome the presence of the Prime Minister of Kosovo, Agim Çeku, in the delegation headed by Mr. Jessen-Petersen.

Two years ago, Mr. Jessen-Petersen took up leadership of the United Nations mission in Kosovo at a very difficult phase. He has since made a decisive contribution to the stabilization and development of Kosovo. We would like to pay tribute to him for his tireless efforts towards our common goal: a multi-ethnic Kosovo in which all inhabitants can live in peace and dignity.

The main task of Mr. Jessen-Petersen's successor will now be to continue that work while at the same time preparing the transition from the current United Nations administration to an international presence after the determination of the future status of Kosovo. The sustainable implementation of all standards by the Kosovo Institutions will be of crucial importance for the European future of Kosovo.

At the last meeting of the Security Council on Kosovo (see S/PV.5373), we urged Kosovo's Institutions to renew their efforts to ensure substantive, accelerated and sustainable progress in the implementation of the standards, especially in key areas such as returns, equal access to justice and the preservation of cultural heritage. Like the Secretary-General, the EU welcomes the renewed vigour in the implementation of standards and expects that concrete and demonstrable results will follow. Nonetheless, the EU remains disappointed with the low numbers of returns. To ensure tangible improvements in the conditions on the ground, not only political but also financial commitment at all levels is required. In this regard, both Pristina and Belgrade have a role to play; we welcome the recent signature of the Protocol on Returns on 6 June 2006.

The European Union underlines that real progress on implementing standards remains an essential factor in determining progress in the political process to determine Kosovo's future status. At the same time, accelerated implementation of standards should not be viewed merely as a goal in itself or only as a way to achieve a decision on the future status of Kosovo. Effective standards implementation, including dialogue and outreach to Kosovo's minority communities, leading to a sustainable democratic and multiethnic society, is also a prerequisite for the fulfilment of Kosovo's European perspective.

The Partnership for Kosovo, adopted by the European Union last December, incorporates the standards as requirements for Kosovo's long-term European perspective, thereby underscoring that their effective implementation must continue to be the primary focus of efforts by the Provisional Institutions throughout, and beyond, the status process.

The European Union shares the Secretary-General's assessment that increased outreach to all Kosovo communities, particularly the Serbian, by Kosovo's leaders is welcome. However, that process needs to go hand in hand with a change in attitudes within Kosovo. Indeed, all people in Kosovo have a responsibility and a role to play in implementing the standards. We therefore call upon the leaders and the population in Kosovo, but also upon Belgrade, to increase their efforts to engage in reconciliation and the promotion of confidence across communities. In doing so they must not tolerate any violence, and those responsible for committing acts of violence must be brought to justice. Such efforts should be acknowledged and not dismissed.

We also believe that it is equally essential that Kosovo Serbs rejoin the Provisional Institutions at all

levels and actively engage in them. We share the Secretary-General's concern about reports of pressure on Kosovo Serbs to withdraw from positions within the Provisional Institutions, and we call upon the authorities in Belgrade to encourage, rather than discourage, Kosovo Serb leaders to participate constructively in the Provisional Institutions. To do so would allow the Serb community to engage in shaping their political future within Kosovo and contribute to improvements in their living conditions. The EU encourages concrete steps in that regard. At the same time, leaders on all sides will have to prepare their populations for difficult compromises ahead.

The European Union has consistently attached particular importance to the establishment of a substantial dialogue between all Kosovo communities, as well as between Belgrade and Pristina. The EU strongly urges both Belgrade and Pristina to work towards a lasting Kosovo status agreement that promotes a multi-ethnic and democratic society and contributes to regional stability.

On 16 June, EU heads of State or Government reaffirmed their support for the ongoing talks about the future status of Kosovo being led by Special Envoy Martti Ahtisaari. In that regard, it should be noted that, at their meeting in Salzburg in March, the Ministers for Foreign Affairs of the States members of the European Union, the acceding States, the candidate States and the potential candidate countries of the Western Balkans reiterated that every effort should be made to engage in good faith in the status process in order to find realistic solutions.

The European Union has been at the side of Kosovo and its inhabitants throughout the post-conflict period and has provided a major part of international aid, economic access, political support and reform advice. It is clear that Kosovo will require an international presence to supervise compliance with the provisions of the status settlement to ensure, inter alia, security throughout Kosovo and the protection of minorities and to support the continued implementation of the standards. The EU heads of State or Government have just reaffirmed their full support for the agenda set out at the Thessaloniki Summit in 2003, and for the Stabilization and Association Process, which will remain the framework for the European course of the Western Balkan countries.

We fully support the Secretary-General's call to all parties to continue to engage so that the eventual transition following a political settlement will be smooth and orderly. Consequently, the European Union has established a planning team in order to ensure a smooth transition between selected UNMIK tasks and the possible EU crisis management operation in the field of the rule of law and other areas that might be identified in the context of the future status process.

In close consultation with key international actors, the European Union stands ready to assume its responsibilities and to enhance its role in Kosovo following a status determination, in particular in the areas of police, rule of law and the economy, with a view to assisting a democratic and multi-ethnic Kosovo in its efforts to realize its European perspective.

The President: I now give the floor to the representative of Albania.

Mr. Neritani (Albania): Let me begin by thanking Mr. Søren Jessen-Petersen, Special Representative of the Secretary-General and Head of the United Nations Interim Administration Mission in Kosovo (UNMIK), for his briefing. I would like to extend to him my delegation's special thanks and my Government's appreciation for his personal commitment in constantly pursuing the goal of a democratic, multi-ethnic Kosovo. During these two years, in a difficult and challenging phase, he made a very tangible contribution to the stabilization and development of Kosovo. Having won the respect and appreciation of the international community — and, in particular, that of the people of Kosovo — we regret his resignation and wish him the very best in his future endeavours. His successor's continuation of his resolute work will find an active and serious partner in the Albanian Government.

We would like to warmly welcome the presence in the Security Council Chamber of Prime Minister Çeku of Kosovo. We commend him for his achievements in implementing standards and for his Government's realistic commitment to make the accelerated pace a sustainable and permanent one. We are convinced that the Prime Minister and his Government will continue to build a viable, multi-ethnic, democratic and stable Kosovo for all of its citizens and for the entire region.

We also welcome the presence of Ms. Sanda Raskovic-Ivic at the head of the Serbian delegation.

We have before us the Secretary General's report on the activities of UNMIK and the situation and developments in Kosovo from 1 January to 30 April 2006 (S/2006/361). Let me express my delegation's appreciation to the Secretary-General for that realistic and substantive document.

We are pleased with the report's overall assessment that significant progress and tangible achievements have been made in various important areas in that period. We note with satisfaction the existence of an improved and stable political and security situation in Kosovo. The election of the current leadership in Kosovo in accordance with democratic principles and in closer cooperation with representatives of the international community is a sign of the increased capacity and maturity of Kosovo institutions, which bodes well for the future.

The intention and determination of the new leadership to accelerate the implementation of standards and to create a more constructive relationship by reaching out to Serbs and other communities has been effectively translated into concrete actions. It is now possible to discern progress across the broad front of standards implementation. Many processes within the standards programme have been revitalized. Concrete and demonstrable results have been achieved on priority standards. A legitimate institutional framework, a checks and balances mechanism, and the effective engagement of Kosovo's President. Prime Minister and other governmental officials will be more effective if a measured, responsible and forward-looking approach is taken by other stakeholders of that society. Despite their origin, the obstacles created by some Kosovo Serbs do not contribute to establishing a multi-ethnic and democratic society and State in Kosovo.

We welcome the renewed vigour and fresh achievements in the implementation of the standards, and we encourage Kosovo's Government and political leaders to continue to tackle energetically the challenges in standards implementation, with a particular focus on priority areas recently highlighted by the Contact Group. The systematic and accelerated implementation of the standards should continue to be an essential part of building a sustainable, democratic and multi-ethnic society and State firmly rooted in the European architecture. We are convinced that Prime Minister Çeku's Government will maintain the positive momentum it has created and, as he has personally vowed, will continue with the implementation of the standards as his most important responsibility throughout and beyond the status process.

To build a multi-ethnic and democratic Kosovo, it is essential that all minority communities fully participate in Kosovo's Institutions in a spirit of cooperation and with recognition of their legitimacy. We encourage non-participating minorities, especially Kosovo Serbs, to respect, fully cooperate with and participate in the political process and in the Institutions to ensure that their needs are met. We again appeal to Kosovo Albanians to continue their good work while demanding responsibility and doing their utmost to respect the freedom and rights of minority communities. With a high degree of responsibility and accountability towards the present and the future, Albanians, Serbs and other minorities in Kosovo should look forward to their common future, strengthen their cooperation and leave behind their past.

Kosovo is going through a very important stage at present. Its status process continues to remain the driving force. We note with satisfaction that the process designed to determine Kosovo's status has moved forward during the reporting period. The Albanian Government welcomes the direct talks between Pristina and Belgrade in Vienna on the crucial matters of decentralization, economic issues and religious and cultural heritage. We encourage and urge both sides to further continue this dialogue in a constructive and realistic manner, despite currently existing differences.

The political process to determine Kosovo's final status has attracted great attention in and out of Kosovo. With regard to negotiations to move this process forward, Albania will continue to play an active and constructive role in closer cooperation with the international community's relevant institutions and representatives. We continue to hold the view that the status process should proceed steadily and swiftly, with a decisive solution before the end of 2006. The conclusion of this process within this year and the definition of the status will serve the stability and security of Kosovo and the whole region. Delay and uncertainty will serve no one's interest.

We reiterate our strong support for the Contact Group's Guiding Principles for the settlement of the status of Kosovo. We agree that there should be no changes in Kosovo's current territory and borders and

no partition of Kosovo or union with any other country or with part of any other country. We do support a realistic, stable and multi-ethnic solution of Kosovo's status, one which will respect the overwhelming and clear will of the people of Kosovo.

We stress our strong conviction that the most realistic, pragmatic and just solution of this status is independence, with the extension of a civil and security presence of the international community for a certain period of time. We mean an independence that will ensure the support and protection of the rights of Serbs and all other minorities and of their cultural and religious heritage. We support an independence that will achieve a society where all people in Kosovo can live in dignity and prosperity and free from fear. We are encouraged that the Kosovo institutions and leaders hold the same vision and are proving their commitment to such an outcome. We are confident that independence will not only generate and guarantee social and economic stability and security for Kosovo and the whole region, but will also help to establish a sustainable, multi-ethnic, democratic society there. It will pave the way for a clearer European perspective.

In conclusion, let me reassure this body that the Albanian Government will continue to play an active and constructive role in the region and on this particular matter. The international community and the negotiating team of Mr. Ahtisaari will have a reliable partner in Albania throughout the upcoming process and beyond.

The President: I give the floor to Mr. Jessen-Petersen to respond to comments and questions raised.

Mr. Jessen-Petersen: First of all, allow me to thank the Council for the many very generous comments on the work that we have conducted and are conducting in Kosovo. Although these words are addressed to me, I see them also as very much addressed to my staff and to our local and international partners in Kosovo. I am grateful to the Council.

I also want to reiterate my thanks to the Council for the constant support that I have been receiving over the last two years. Allow me also today to thank the Secretary-General for his trust and his support.

We have listened carefully to the many useful observations made today. I have taken notes, and I am sure that Prime Minister Seku has also taken careful notes. We welcome the words of support, but we also clearly agree — and I am sure that the Prime Minister does as well — that there is need for further action. Further action and results will be pursued. The Prime Minister has taken very seriously the 13 points conveyed by the Contact Group a couple of weeks ago. Action is already under way, and we expect to see the results in the course of this month, most of it before the end of next month. That does not detract from the importance of focusing on all the priority standards, and that work will also continue.

I listened with particular attention and interest to the statement by the representative of Serbia, Mrs. Raskovic-Ivic. I must confess that, having lived in Kosovo for two years — with my eyes and ears open most of the time, I believe — I did not recognize everything I heard. I certainly agree with Mrs. Raskovic-Ivic, and I just said it, that the situation remains very difficult for many of the minorities, Kosovo Serbs in particular. I do agree, and said in my opening remarks, that we need to focus on more progress in the living conditions of the Kosovo Serbs. Many of the statements here have once against urged Belgrade to allow the Kosovo Serbs to participate in the process.

Let me just mention four or five examples of statements with which I do not quite agree. We have heard that there has been little progress on property issues, when in fact 98 per cent — 98 per cent — of all private property cases, have been resolved. However — and this is where our focus will be — 10 per cent of those 98 per cent resolved cases are still pending in terms of enforcement, which is where action should be focused. Furthermore, a couple of months ago we did establish the Kosovo Property Agency. That new agency will be focusing on the very important work related to agricultural and commercial lands, which is of particular importance to the many Kosovo Serbs, including the returnees. In that connection, it would be extremely helpful if Belgrade could help us with returning the cadastral records. It would be difficult to make progress without them.

We heard a reference to a report on the so-called 187 incidents. Our UNMIK Directorate of Crime Analysis has, of course, analysed these reports, because we take all such reports seriously. Our preliminary finding is that some of the 187 cases were wrongly reported statistically. The number of cases in the document is actually 101, and not 187. Nine of those 101 can indeed be categorized as inter-ethnic.

Forty-two of the cases were never reported to the police nor to the judicial authorities. Thirty-five are categorized as having an unknown motive; investigations are still continuing. Ten cases were seen as crimes for personal gain, and in five cases, anger was seen, in a not-very-legal impression, as the motive.

Then there were references to recent incidents in the north. Let me first say that we regret each and every security incident, because each incident adds to the fears of the Kosovo Serbs. I will cite an example: of the four most recent incidents, one was an attack on a petrol station. It is clear that it was robbery and, by all indications, Serb-on-Serb. There was a regrettable killing of a young man in Zvecan. The police immediately interviewed two suspects, neither one of which was Albanian. A third incident involving a Serb Orthodox priest who was driving in his car and was attacked with his family. Two days ago, the police arrested a Kosovo Serb policeman as the suspect in that case.

Once again, I just want to underline that we should not jump to conclusions. We have to address these incidents, we have to prevent them and we have to investigate them. But facts do not bear out what we had heard on that point.

I do welcome the statement by Mrs. Raskovic-Ivic that she considers it to be of utmost importance that the Kosovo Serbs should participate. She also rightly says that their participation must be meaningful. I would suggest that we let them participate and let them decide whether their participation is meaningful. For two years, we have reserved two ministerial positions for Kosovo Serbs; they are still vacant. We have 10 reserved seats in the Assembly; they are still waiting. We have several deputy ministerial posts; they are still waiting. But I agree that Kosovo Serb participation should be meaningful. Let us give them a chance and let them decide whether it is meaningful.

There were several references to returns, and I for one certainly regret that we have seen so few returns. In fact, for me personally it is one of my most serious regrets over the past two years. I thought I had come to the job with a certain experience on return and humanitarian issues. I thought that I could make an impact. I have to accept that the numbers remain very, very low.

However, I think we have to accept that the conditions have gradually been put in place for returns. We have the Protocol on Returns; I welcome the very constructive engagement of Belgrade in that. That is now being developed into a plan of action in which we have the direct involvement of the internally displaced persons. We are doing this on behalf of the internally displaced persons. I do believe that the very fact that the plan of action is now being developed with the direct involvement of internally displaced persons could lead to larger returns. We will have to wait and see. It is certainly an area in which we have not seen the kind of results we must see.

There were some concerns expressed that the ethnic bus lines will cease to operate. That is not correct. They will be taken over lock, stock and barrel by the Provisional Institutions of Self-Government. They will be taking over the operation that UNMIK has been running for the past seven years, so it will of course continue and both KFOR and UNMIK will be there in total support of those bus lines and also to make sure that there are no incidents.

Talking about incidents, there was some reference to the repeated stoning of buses. Our police statistics will show that, over the first five months of this year, some 1,400 minority buses drove through Kosovo. There were stoning incidents in six of the 1,400 journeys, and five arrests have been made. I still regret the sixth. There should not be one single stoning incident, and I know that this is something that the Provisional Institutions take very seriously. We have to make sure that it does not happen.

Finally, there was some reference to corruption at the airport. Let me just refer to the report of the Office of Internal Oversight Services, which is based on shortcomings up to and including 2003 — in other words, it is three years out of date. Since then, considerable measures have been taken. There has been overall management reform and criminal action against a few who were found to have been conducting their activities in a way that is not acceptable, and disciplinary action has also been taken.

Let me just say that the airport is actually a success story for Kosovo. It has just won the Best Airport 2006 award in the category "Under 1 million passengers per year" from Airports Council International. I believe that is a very, very strong reflection of the solid management of the international airport of Kosovo.

Once again, this is my sixth and last report to the Security Council since assuming my post. I believe that, together, we have come a long way, but we also know that there is still a considerable way to travel before we get to the kind of society we all want to see in Kosovo. I am grateful for the role played by this Council in moving the process forward and for its decisions to launch the comprehensive review last May and the status process last October. And as I leave, I certainly count on the Security Council to see the process through to what I hope will be an early and successful conclusion. It will be successful only if the beneficiaries are the people of Kosovo and of the region. I count on all Council members to make sure that our focus is on the people of Kosovo and of the region.

The President: There are no more speakers on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 1.05 p.m.

United Nations S/PV.5471

Security Council

Sixty-first year

Provisional

5471st meeting

Wednesday, 21 June 2006, 10 a.m.

New York

President:	Ms. Løj	(Denmark)
Members:	Argentina	Mr. García Moritán
	China	Mr. Li Junhua
	Congo	Mr. Ikouebe
	France	Mr. Cruau
	Ghana	Mr. Christian
	Greece	Mrs. Papadopoulou
	Japan	Mr. Haneda
	Peru	Mr. Pereyra Plasencia
	Qatar	Mr. Al-Bader
	Russian Federation	Mr. Churkin
	Slovakia	Mr. Mlynár
	United Kingdom of Great Britain and Northern Ireland	Mr. Williams
	United Republic of Tanzania	Mr. Salaita
	United States of America	Ms. Wolcott-Sanders

Agenda

Admission of new Members

Note by the Secretary-General (S/2006/409)

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06-39812 (E)

The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

Admission of new Members

Note by the Secretary-General (S/2006/409)

The President: The Security Council will now begin its consideration of the item on its agenda.

In a letter dated 5 June 2006 addressed to the Secretary-General, the President of the Republic of Montenegro submitted the application of his country for membership in the United Nations. That letter has been circulated in document S/2006/409.

Under the provisions of rule 59 of the provisional rules of procedure of the Security Council, unless the Council decides otherwise, an application for membership shall be referred by the President of the Council to the Committee on the Admission of New Members. Accordingly, unless I hear a proposal to the contrary, I shall refer the application of the Republic of Montenegro to the Committee on the Admission of New Members for examination and report.

As I hear no objection, it is so decided.

I would propose that the Committee on the Admission of New Members meet at 3 p.m. this afternoon, in Conference Room 7, to consider the application of the Republic of Montenegro for membership in the United Nations.

The meeting rose at 10.10 a.m.

United Nations S/PV.5472

Security Council

Sixty-first year

Provisional

5472nd meeting

Wednesday, 21 June 2006, 10.10 a.m.

New York

President:	Ms. Løj	(Denmark)
Members:	Argentina	Mr. García Moritán
	China	Mr. Li Junhua
	Congo	Mr. Ikouebe
	France	Mr. De Rivière
	Ghana	Mr. Christian
	Greece	Mrs. Papadopoulou
	Japan	Mr. Oshima
	Peru	Mr. Pereyra Plasencia
	Qatar	Mr. Al-Nasser
	Russian Federation	Mr. Churkin
	Slovakia	Mr. Mlynár
	United Kingdom of Great Britain and Northern Ireland	Mr. Bye
	United Republic of Tanzania	Mr. Manongi
	United States of America	Mr. Bolton

Agenda

The situation in the Middle East, including the Palestinian question

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

06-39820 (E)

The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East, including the Palestinian question

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Ibrahim Gambari, Under-Secretary-General for Political Affairs.

It is so decided.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Ibrahim Gambari, Under-Secretary-General for Political Affairs. I now give him the floor.

Mr. Gambari: The past month has seen heightened tension and increasing violence, both among Palestinians and in the conflict between them and Israel. That violence has taken a particularly severe toll on Palestinian civilians in Gaza. There was also a significant outbreak of violence across the Blue Line between Lebanon and Israel. Despite continuing violence, however, a few positive steps have been taken to deescalate what remains a very volatile situation overall. All acts of violence, especially those that either endanger or specifically target civilians, must cease, and negotiations towards a comprehensive settlement of the Palestinian-Israeli conflict must not be further delayed.

Let me now proceed to discuss key political developments. On 10 June, Palestine Liberation Organization (PLO) Chairman and Palestinian Authority President Abbas called a referendum, to be held on 26 July, on the covenant for national reconciliation agreed upon by Palestinian prisoners. President Abbas has indicated that his decree does not preclude the possibility of consensus being reached at any time before the date of the referendum, in which case the referendum would not necessarily proceed. During earlier discussions, most Palestinian factions other than Hamas and Islamic Jihad had expressed support for the prisoners' document. The Palestinian Authority Government indicated its concern about aspects of the document, disputed the legality and even the desirability of a referendum and called for a dialogue without deadlines. In recent days, however, progress has been reported on narrowing differences on the issues in dispute.

In the past week or so, the security situation in the streets calmed somewhat following consultations between President Abbas and Prime Minister Haniyeh. Those consultations concluded with an announcement that the special force recently created by the Minister of the Interior should be absorbed into the payroll of the Palestinian Authority after its members have received proper police training. The force has not yet been fully withdrawn from the streets in Gaza, but it is less visible than before. We continue to encourage all Palestinian parties to leave no stone unturned in efforts to ensure the harmonious and coherent operation of security forces and to achieve consensus on a political programme that responds to the Palestinian people's desire for a peacefully negotiated two-State solution.

Meanwhile, Israeli Prime Minister Olmert has met with the leaders of Egypt, Jordan and several European countries over the past month. The Prime Minister has reiterated his desire to meet with President Abbas in the coming period, and, indeed, it appears they may have an opportunity to do so tomorrow, in Petra. However, he has also stressed that the Palestinian Authority Government must meet the Quartet's three principles, and that there is a finite period of time for the pursuit of negotiations. Prime Minister Olmert indicated his determination to proceed with the implementation of his "realignment" plan, details of which have not yet been made public. We look forward to Prime Minister Olmert's meeting with President Abbas and consider it as an important step towards resuming negotiations, which remains, in our view, the best way to promote peace.

With regard to security and violence, I would like to say that, in the reporting period, at least 64 Palestinians have been killed, including at least 11 children, and at least 328 Palestinians have been injured, including, again, many children. Forty-nine of those killed and 259 of those injured were the victims of Israeli-Palestinian violence. The rest were casualties of intra-Palestinian violence. One Israeli was killed and 18 were injured in Israeli-Palestinian violence.

Israel stepped up its policy of targeted killings of militants and shelling of areas in Gaza, from which rockets continue to be fired at Israeli territory. On 29 May, for the first time since Israel's withdrawal from Gaza, Israeli ground troops entered the Gaza Strip, killing five Palestinians. On 8 June, an Israeli air strike in Gaza killed the commander of the Popular Resistance Committees, Jamal Abu Samhadana, together with four other alleged militants. On 13 June, two consecutive Israeli missile strikes were fired on a car allegedly transporting rockets to be fired at Israel, resulting in the deaths of three Islamic Jihad operatives, but also killing eight bystanders, in a crowded street in Gaza. The Secretary-General is particularly disturbed that, despite his prior expressions of concern, this pattern was repeated only yesterday, when three children were killed and a number of bystanders injured during another attempted targeted killing by Israel, also in a crowded neighbourhood in Gaza. We would like to once again underscore the need for Israel to cease targeted killings, which continue to claim civilian lives. It is the view of the Secretary-General that Israeli actions should be proportionate and in accordance with international humanitarian law.

On 9 June, an explosion on a beach in Gaza, at the time of an Israeli operation involving the firing of sea- and land-based weapons in the immediate area, killed seven civilians, all members of the same family. The Palestinian Authority held Israel responsible for the killings. An Israel Defense Forces (IDF) investigation subsequently concluded that Israeli military fire was not responsible for the deaths. However, a prominent human rights organization, Human Rights Watch, has disputed this. The Israeli investigation is continuing, in order to ascertain the cause of the explosion.

During the reporting period, the United Nations recorded 176 rockets fired by Palestinian militants from Gaza towards Israeli territory. Some of these hit Israeli towns and cities, injuring five civilians and damaging private property and Government buildings, including a school. For the first time in well over a year, Hamas claimed responsibility for rockets launched at Israel. Hamas appears not to have continued these operations in recent days, and there have been statements indicating preparedness to resume the ceasefire. However, other militants continue to fire rockets at Israel on a daily basis. The Secretary-General has repeatedly called on the Palestinian Authority to heed the Quartet's call and meet its road map obligations to act decisively against terrorism, including acting to end indiscriminate rocket attacks that endanger Israeli civilian lives.

Clashes between militants loyal to Hamas and to Fatah led to the killing of local leaders and claimed the lives of many bystanders, including women and children. A number of violent protests also took place in Gaza and the West Bank, involving rival factions and civil servants who are angry at not receiving their salary payments. The Preventive Security headquarters in Gaza and the offices of the parliament and of the Council of Ministers in Ramallah were ransacked. Tensions eased somewhat following last week's developments.

I turn now to the fiscal and humanitarian situation. The Palestinian Authority's fiscal crisis has not abated. According to the International Monetary Fund, Palestinian Authority revenues in April amounted to a mere $35 million — one sixth of its monthly requirement. The continued non-transfer of Palestinian value added tax (VAT) and customs revenues collected by Israel remained the major impediment to fiscal stability. There have, however, been reports of large amounts of cash being brought into Gaza by Palestinian Authority officials and Hamas members.

In June, the Palestinian Authority made one salary payment to 10,000 of its lowest-paid workers through its treasury account. In addition, a further 90,000 employees each received on Monday, 19 June, about $300 in advances from the Palestinian Authority, using cash brought by officials and disbursed through local post offices. The remaining staff -approximately 40,000 people — have received no salary payments since February.

The delivery of some Palestinian Authority services has been interrupted. The Ministry of Social Affairs was unable to make cash payments to 47,000 people facing particular hardship. The main Gaza hospital was forced to halve the number of surgeries for three weeks owing to shortages of essential medicines. Normal surgeries have now resumed following intervention by the humanitarian organization CARE. The Government of Israel's plan to spend $11 million of Palestinian VAT and customs revenues on medicines for the Palestinian Authority has not been realized.

The economy is also experiencing decline. Palestinian gross domestic product fell by 7 per cent in the first quarter of 2006. Gaza is being hit harder than the West Bank by the current crisis. Almost 40 per cent of those employed in Gaza work for the Palestinian Authority. Unemployment in Gaza has also risen by six percentage points, to 34 per cent, in the first quarter of the year, prompted partly by a total moratorium on Gaza workers crossing into Israel. There are many reports of people selling possessions or going without food staples, such as meat, in order to subsist.

Unless arrested, continued economic decline, as forecast by the World Bank, combined with a degradation of public services, will have significant humanitarian impact and may also have longer-term consequences on prospects for peace and security. As long as the Palestinian Authority is unable fully to cover institutional costs, services will deteriorate, and many Palestinian Authority staff may be forced to find alternative sources of income if the fiscal crisis continues. The departure of qualified staff would result in immediate and long-term damage to the administration and delivery of services.

The Secretary-General is pleased, however, that the Quartet endorsed, on 17 June, a temporary international mechanism developed by the European Union to facilitate needs-based assistance directly to the Palestinian people, including essential equipment, supplies and support for health services; support for the uninterrupted supply of fuel and utilities; and allowances to poor Palestinians. For his part, the Secretary-General looks to donors, to other international organizations and to Israel — bearing in mind its responsibilities — to support the mechanism, so that it can become operational quickly and effectively.

With regard to movement and access, I would like to observe that, owing to increasingly strict Israeli security measures, United Nations national staff have not been able to pass through the Erez crossing to and from Gaza since February, while new measures are increasingly impeding the movement of international staff as well. Movement of United Nations personnel, particularly of national staff, has also been more difficult this year between Jerusalem, where most United Nations organizations have their headquarters, and the rest of the West Bank, where aid is needed. The United Nations continues to raise those concerns with the Israeli authorities, with little sign of improvement to date.

The movement of humanitarian and commercial goods to the Gaza Strip has improved somewhat since the end of May, with export figures rising to 21 truckloads per day after 22 May. Import figures for May indicate that, on average, about 250 truckloads per day are shipped to the Gaza Strip, allowing for the replenishment of basic food stocks that were near depletion. We hope that that trend will continue. Even given the improvement, however, organizations such as the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the World Food Programme still face significant cost increases of approximately $120,000 per month as a result of long delays in returning empty containers from the Gaza Strip to the Ashdod port.

I turn now to settlements and the barrier. Israeli settlement activities continue, despite the road map and recent Quartet expressions of concern. According to a report by the Israeli non-governmental organization Peace Now, approximately 3,000 units are currently under construction in the West Bank, while construction of a police station in the E1 area between Jerusalem and Ma'ale Adumim is continuing.

Barrier construction is also continuing, despite the advisory opinion of the International Court of Justice. On 23 May, the Israeli High Court of Justice approved the route of the section of the barrier in Jerusalem that passes between Ma'ale Adumim and the village of El-Azariyeh. On 15 June, the Israeli High Court ordered the dismantling of five kilometres of the barrier east of the settlement of Tzofin. According to the Court, during earlier hearings the State concealed the fact that the existing route was determined partly by a master plan for expanding the settlement, and not solely by security considerations. The Minister of Defence has reportedly ordered a review of the route of the barrier so as to reduce its impact on Palestinian daily life.

There have been several worrying developments in Lebanon. On 26 May, a senior member of Islamic Jihad and his brother were killed in an explosion in the southern city of Sidon. The Lebanese Government alleges that Israel was responsible for that explosion; Israel has denied it.

Two days later, in the morning of 28 May, rockets were launched from southern Lebanon by unidentified

armed elements against an IDF position 8 kilometres south of the Blue Line, wounding an Israeli soldier. Israeli jets responded by bombing Popular Front for the Liberation of Palestine-General Command (PFLP-GC) positions in the Bekaa valley and in Na'ameh, south of Beirut, reportedly killing one PFLP-GC member and wounding several others.

The same afternoon, unidentified sniper fire from the Lebanese side of the Line wounded one Israeli soldier. Israel responded with air strikes against Hizbollah positions across southern Lebanon, killing one Hizbollah member and wounding two Lebanese civilians. Hizbollah responded with rocket, missile, mortar and small-arms fire.

Senior United Nations representatives on the ground intervened with the parties and worked in unison to bring about a ceasefire. The Secretary-General called for maximum restraint, while commending the Governments of both Israel and Lebanon for avoiding a further escalation. The situation along the Blue Line has remained calm since the 28 May incidents.

That sudden deterioration underscores that it is critically important that the Government of Lebanon exert all efforts to expand its effective authority over all of its territory and control the use of force, in order to prevent violations of the Blue Line.

There have been 19 Israeli air violations of the Blue Line — not counting the seven that occurred on 28 May during the exchange of fire — some deep into Lebanese territory. The Israeli authorities should halt such air violations and respect the Blue Line.

On 1 June, the commission charged with developing proposals for reform of the electoral law submitted its recommendations to Prime Minister Siniora. That is a first step towards electoral reform, which is a main priority of the Government of Lebanon. The Department of Political Affairs and the United Nations Development Programme continue their support for that important electoral reform process.

The eighth round of the Lebanese national dialogue convened on 8 June. Discussions continued on a national defence strategy for Lebanon, with new proposals being brought to the table for further consideration. Lebanese leaders also discussed measures to reduce the level of political tension in the country following the demonstrations in Beirut on 1 and 2 June. We commend Lebanon's leaders for that initiative, which again illustrates the benefits of a dialogue to address issues of national concern.

I have reported in detail the serious deterioration on the ground that we have seen this past month in the Middle East. The United Nations is particularly disturbed at the killing of so many Palestinian civilians in Gaza. I reiterate the Secretary-General's repeated calls for respect for international humanitarian law so that civilians are neither targeted nor put at grave and foreseeable risk.

Restraint on the part of everyone is all the more important given the faint rays of hope that we have begun to see in recent days. The intra-Palestinian agreement on integrating the special forces into the Palestinian Authority payroll, the efforts to narrow differences in the Palestinian national dialogue and the decisions of the parties not to escalate to levels from which it might be difficult to pull back are worthy of note — although this assessment must be tempered with an awareness that violence continues.

The positive signal sent by the Quartet's decision of last weekend to channel assistance to the Palestinian people — which we hope will be rapidly supported and implemented by all concerned — gives added weight to domestic Palestinian voices calling for restraint and dialogue. We hope that those voices will be heard and heeded in the interest of peace, security and well-being for the people of the region.

Finally, it is vital that Israeli and Palestinian leaders continue their efforts to pave the way for meaningful negotiations. In that respect, we take heart from the fact that opinion polls continue to underscore the desire of both peoples for a two-State solution and for that goal to be achieved peacefully and through negotiations. The United Nations will continue to work with its partners towards that goal. There is no alternative.

The President: I thank Mr. Gambari for his briefing.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

In accordance with the understanding reached in the Council's prior consultations, I shall now invite Council members to informal consultations to continue our discussion on the subject.

The meeting rose at 10.35 a.m.

United Nations S/PV.5473

Security Council

Sixty-first year

Provisional

5473rd meeting

Thursday, 22 June 2006, 10 a.m.

New York

President:	Mr. Moeller	(Denmark)
Members:	Argentina	Mr. Mayoral
	China	Mr. Wang Guangya
	Congo	Mr. Ikouebe
	France	Mr. De La Sablière
	Ghana	Mr. Afriyie
	Greece	Mr. Vassilakis
	Japan	Mr. Kitaoka
	Peru	Mr. Pereyra Plasencia
	Qatar	Mr. Al-Nasser
	Russian Federation	Mr. Kuzmin
	Slovakia	Mr. Burian
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United Republic of Tanzania	Mr. Mwandembwa
	United States of America	Mr. Bolton

Agenda

Admission of new Members

Report of the Committee on the Admission of New Members concerning the application of the Republic of Montenegro for admission to membership in the United Nations (S/2006/425)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

06-40021 (E)

The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Admission of new Members

Report of the Committee on the Admission of New Members concerning the application of the Republic of Montenegro for admission to membership in the United Nations (S/2006/425)

The President: Under the item on its agenda, the Security Council will now begin its consideration of the report of the Committee on the Admission of New Members concerning the application of the Republic of Montenegro for admission to membership in the United Nations, which appears in document S/2006/425.

In paragraph 3 of the report, the Committee recommends to the Security Council the adoption of a draft resolution on the application of the Republic of Montenegro for admission to membership in the United Nations. I should like to congratulate the Committee on its unanimous decision to recommend that the Republic of Montenegro be admitted to membership in the United Nations.

In accordance with the understanding reached in prior consultations among members of the Council, I propose that the Council adopt the draft resolution contained in paragraph 3 of the report of the Committee on the Admission of New Members without a vote.

As I see no objection, it is so decided.

I therefore declare that the draft resolution contained in paragraph 3 of the report of the Committee on the Admission of New Members (S/2006/425) has been adopted without a vote as resolution 1691 (2006).

I shall convey the decision of the Security Council recommending the admission of the Republic of Montenegro to membership in the United Nations to the Secretary-General for transmittal to the sixtieth session of the General Assembly in accordance with rule 60 of the Council's provisional rules of procedure and the request of the Republic of Montenegro.

I shall now make a statement, in my capacity as President of the Security Council, on behalf of the members of the Council.

> "The Security Council has decided to recommend to the General Assembly that the Republic of Montenegro be admitted as a Member of the United Nations. On behalf of the members of the Security Council, I wish to extend my congratulations to the Republic of Montenegro on this historic occasion.
>
> "The Council notes with great satisfaction the Republic of Montenegro's solemn commitment to uphold the purposes and principles of the Charter of the United Nations and to fulfil all obligations contained therein.
>
> "We look forward to the Republic of Montenegro joining us as a Member of the United Nations and to working closely with its representatives."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2006/27.

The Security Council has thus concluded its consideration of the matter before it.

The meeting rose at 10.15 a.m.

United Nations S/PV.5474

Security Council

Sixty-first year

Provisional

5474th meeting

Thursday, 22 June 2006, 10.15 a.m.

New York

President:	Mr. Moeller/Ms. Løj	(Denmark)
Members:	Argentina	Mr. Mayoral
	China	Mr. Li Junhua
	Congo	Mr. Gayama
	France	Mr. De La Sablière
	Ghana	Nana Effah-Apenteng
	Greece	Mrs. Telalian
	Japan	Mr. Kitaoka
	Peru	Mr. Pereyra Plasencia
	Qatar	Mr. Al-Nasser
	Russian Federation	Mr. Shcherbak
	Slovakia	Mr. Burian
	United Kingdom of Great Britain and Northern Ireland	Ms. Pierce
	United Republic of Tanzania	Mr. Mahiga
	United States of America	Mr. Bolton

Agenda

Strengthening international law: rule of law and maintenance of international peace and security

Letter dated 7 June 2006 from the Permanent Representative of Denmark to the United Nations addressed to the Secretary-General (S/2006/367)

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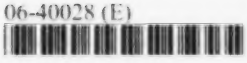
06-40028 (E)



The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

Strengthening international law: rule of law and maintenance of international peace and security

Letter dated 7 June 2006 from the Permanent Representative of Denmark to the United Nations addressed to the Secretary-General (S/2006/367)

The President: I should like to inform the Council that I have received letters from the representatives of Austria, Azerbaijan, Canada, Egypt, Guatemala, Iraq, Liechtenstein, Mexico, Nigeria, Norway, Sierra Leone, South Africa, Switzerland and the Bolivarian Republic of Venezuela in which they request to be invited to participate in the consideration of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration of the item, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representatives of the aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Nicolas Michel, Legal Counsel of the United Nations.

It is so decided.

I invite Mr. Michel to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Judge Rosalyn Higgins, President of the International Court of Justice.

It is so decided.

I invite Judge Higgins to take a seat at the Council table.

I should like to inform the Council that I have received a letter dated 20 June 2006 from the Permanent Observer of Palestine to the United Nations, which will be issued as document S/2006/417 and which reads as follows:

> "I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the meeting of the Security Council being held on Thursday, 22 June 2006 in connection with the open debate on strengthening international law: rule of law and maintenance of international peace and security."

I propose, with the consent of the Council, to invite the Permanent Observer of Palestine to participate in the meeting in accordance with the provisional rules of procedure and the previous practice in this regard.

There being no objection, it is so decided.

At the invitation of the President, Mr. Mansour (Palestine) took the seat reserved for him at the side of the Council Chamber.

The President: The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

I wish to draw the attention of the members of the Council to document S/2006/367, which contains the text of a letter dated 7 June 2006 from the Permanent Representative of Denmark to the United Nations addressed to the Secretary-General.

I should now like to make some introductory remarks in my capacity as the Minister for Foreign Affairs of Denmark.

It is an honour, and indeed a pleasure, to welcome all of you to this debate. The topic of today's discussion is "Strengthening international law: rule of law and the maintenance of international peace and security" or, in short, the "Security Council and international law".

The Security Council is essentially a political body with far-reaching powers to maintain or restore international peace and security. Yet the Council operates within a legal framework set out in the United Nations Charter. The consequences for international law of the actions of the Security Council should not be underestimated. That is particularly true when the Council acts in the context of the challenges of a changing world. It is therefore, in my view, most relevant that the Council from time to time addresses the issue of international law in a more comprehensive way. That is the purpose of this debate today.

The aim of this debate is to take a step back from the daily business of the Council — to start from the well-established recognition that international law plays a critical role in fostering stability and order in international relations and, from that basis, to consider how the Council can further contribute to strengthening and developing an international order based on the rule of law.

The Council promotes the rule of law in post-conflict national societies in order to ensure the stability and legitimacy of those societies. International relations need to be governed by the rule of law in the same way. Today, more than ever before, the Council's legitimacy and credibility rest on its explicit commitment to operate within the framework — and in the furtherance — of international law.

In order to focus our debate, we have distributed a discussion paper under the symbol S/2006/367, of 7 June 2006, identifying certain issues we believe merit particular attention.

The first issue is that we must not allow a culture of impunity to prevail. Those responsible for atrocities must be brought to justice. The resolution passed last Friday on Charles Taylor and his transfer to The Hague is the latest example of the firm hand of the Council on this dossier.

Secondly, sanctions should be targeted in order to enhance their efficiency and reduce the risk of innocent third parties becoming victims of such measures. The fight against terrorism must be conducted in accordance with human rights standards. We must improve due process guarantees in our sanctions regimes, inter alia by introducing adequate mechanisms for delisting. Our sanctions will then be even more credible and efficient.

Thirdly, the promotion of the rule of law in post-conflict situations is crucial to preventing the recurrence of armed conflict. Security, development and human rights for all are mutually reinforcing elements in establishing and maintaining societies based on the rule of law.

The fourth issue is that the peaceful settlement of disputes, inter alia through resort to the International Court of Justice, is at the heart of the Charter of the United Nations.

Those are the four overriding themes of today's discussion.

I now resume my functions as President of the Council.

At this meeting the Security Council will hear briefings by Mr. Nicolas Michel and Judge Rosalyn Higgins.

I now give the floor to Mr. Michel, Legal Counsel of the United Nations.

Mr. Michel (*spoke in French*): I would like to thank you, Mr. President, for kindly giving me the floor in order to speak on behalf of the Secretary-General at this public debate devoted to the theme "Strengthening international law: rule of law and maintenance of international peace and security". Had the Secretary-General not been on a mission abroad today, he would have very much liked to welcome you personally, Mr. Minister, to thank you warmly for your presence and to commend you both for the way in which your country is presiding over the Council and for having organized today's debate on the topic you have chosen. It is also an honour and a pleasure for me to welcome and warmly greet the President of the International Court of Justice.

It is quite easy for me to speak on behalf of the Secretary-General today, for his convictions and positions with regard to international law and the rule of law are well known. I will just refer to the memorable statement he made on 21 September 2004 during the opening of the general debate of the fifty-ninth session of the General Assembly (see A/59/PV.3). In fact, his attitude represents a contemporary expression of the values and resolve that inspired the founders of the United Nations.

The Preamble to the Charter in fact expresses the resolve "to establish conditions under which justice

and respect for the obligations arising from treaties and other sources of international law can be maintained". The founders wanted to see an international community grounded in law. For them the law was not an instrument, but a culture. Justice and law were the fundamental conditions for international peace and security. At the same time, the founders also reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person.

The presence of the President of the International Court of Justice prompts us to recall the fundamental principle requiring States to settle their international differences through peaceful means, as well as the specific role entrusted by the Charter to the main judicial organ of the United Nations. The judgements of the Court have made a valuable contribution to the cause of peace. To cite a recent example, I am pleased to note the conclusion of the agreement between Cameroon and Nigeria to effectively implement a decision of the Court. In addition, the Court has clarified key points of international law through its advisory opinions. It is true that, with some exceptions, those opinions are not in and of themselves legally binding. But the rules of law that they interpret, and whose scope they clarify, fully exercise their legal effects vis-à-vis the legal subjects on which they are binding.

The excellent discussion paper provided by the presidency of the Council to stimulate and guide today's debate sets out numerous interesting and important questions. The necessary limitation on speaking time compels me to make a difficult choice among them that is not necessarily a faithful reflection of the legitimate concerns of all participants in the debate.

In addressing first the issue of promoting the rule of law in conflict or post-conflict situations, I should like to begin by recalling the report that the Secretary-General sent to the General Assembly on that subject in August 2004. I would also join in welcoming the meeting to take place tomorrow to establish the Organizational Committee of the new Peacebuilding Commission. In that context, the Secretariat is tasked with identifying more precisely the means it already possesses to support actions to promote the rule of law, those that it will require in the future, and the best way of organizing those resources in order effectively and competently to meet its needs.

In that respect, the proposals that have been made by some Member States are extremely useful. The measures to be taken should take into account the needs of the Commission and of those that may arise in all the other many situations that will require assistance without figuring on the Commission's agenda. The promotion of the rule of law, including the promotion of human rights, cannot be limited to situations associated with an ongoing or recent conflict.

The second topic proposed for discussion is that of impunity. In recent years, the Security Council has taken a number of decisions that reflect its resolve to put an end to the impunity of perpetrators of international crimes. The recently adopted resolution concerning the transfer of former Liberian President Charles Taylor is the most recent example of that resolve. By taking such action, the Council is keeping pace with one of the major evolutions of the culture of the international community and international law over the past 15 years. Allow me if I may to note three aspects of that evolution.

First, justice and peace must be regarded as complementary requirements. There can be no lasting peace without justice. The problem is one not of choosing between peace and justice, but of the best way to interlink the one with the other, in the light of specific circumstances, without ever sacrificing the duty of justice.

Secondly, amnesty for international crimes has been regarded as unacceptable in international practice. Today, its rejection must be enshrined as a standard to be enforced.

Lastly, the system of international penal jurisdictions, which has steadily progressed towards greater universality, is a primary responsibility of States and, within the constraints of the Rome Statute, a complementary responsibility of the International Criminal Court. If the system is to function efficiently, it will be essential to heed the appeals of States that require assistance in their efforts to build the necessary domestic capacities, provided that they are prepared to take international standards into account.

As regards the third topic suggested for our consideration — enhancing the efficiency and credibility of United Nations sanctions regimes — I wish to refer to the letter recently addressed by the Secretary-General to the presidency of the Security

Council, which I would request to be distributed to all Council members. Largely on the basis of the outcome document of the 2005 world summit, the Secretary-General, in a non-paper annexed to his letter, sets out his views concerning the listing and delisting of individuals and entities on sanctions lists. According to the non-paper, the minimum standards required to ensure that the procedures are fair and transparent would include the following four basic elements. Since the paper has been distributed in English, I will now state them in that language.

(*spoke in English*)

First, a person against whom measures have been taken by the Council has the right to be informed of those measures and to know the case against him or her as soon as and to the extent possible. The notification should include a statement of the case and information as to how requests for review and exemptions may be made. An adequate statement of the case requires the prior determination of clear criteria for listing.

Secondly, such a person has the right to be heard, via submissions in writing, within a reasonable time by the relevant decision-making body. That right should include the ability to directly access the decision-making body, possibly through a focal point in the Secretariat, as well as the right to be assisted or represented by counsel. Time limits should be set for the consideration of the case.

Thirdly, such a person has the right to review by an effective review mechanism. The effectiveness of that mechanism will depend on its impartiality, degree of independence and ability to provide an effective remedy, including the lifting of the measure and/or, under specific conditions to be determined, compensation.

Fourthly, the Security Council should, possibly through its Committees, periodically review on its own initiative targeted individual sanctions, especially the freezing of assets, in order to mitigate the risk of violating the right to property and related human rights. The frequency of such review should be proportionate to the rights and interests involved.

The non-paper indicates also that those elements would apply mutatis mutandis in respect of entities.

(*spoke in French*)

In conclusion, I should like to note one of the key points referred to early and most relevantly in the discussion paper submitted by the presidency.

Noting that the purpose of today's thematic debate is to consider the Security Council's special role in promoting international law, the document states that the Council "operates within the framework of international law in all its functions" (*S/2006/367, annex, p. 2*). That is both an objective and a rule enshrined by the Charter.

Your initiative, Sir, therefore deserves to be approved and supported, and I thank you for it on behalf of the Secretary-General.

The President: I thank Mr. Michel for his briefing.

It now gives me great pleasure once again to welcome the President of the International Court of Justice to our debate and to ask her to take the lead in our discussion.

Judge Higgins: I greatly appreciate your invitation, Sir, to participate in this debate and the welcome that you and the Legal Counsel have so kindly extended.

The International Court of Justice is pleased to make a contribution to this important day's reflective work in the Security Council.

The theme of the Council's debate is "Strengthening international law", and let me begin with a few general observations on that concept.

International law is, of course, the law that governs relations between States and between States and international organizations. It is the law of each and every one of us. In a world often divided by politics, it is our common language.

What do we mean by "strengthening international law"? Two meanings come to mind: first, the widening and deepening of the content of international law; and secondly, the fortifying of the mechanisms for securing compliance with or enforcement of international law. In fact, the discussion outline prepared by the presidency touches on both elements.

In terms of the first meaning, the reach of international law has expanded to an extraordinary extent. The already known broad outlines of the law of peace — title to territory, jurisdiction, immunities, maritime spaces, the law of treaties, State responsibility — have all been shaped by very detailed provisions. And many other topics that were simply unheard of when the Security Council began its work are now established as part of the fabric of international law; space, environment, trade law and human rights are examples.

There is now a well developed international legal framework for combating international terrorism. There are currently 13 universal instruments and seven regional instruments relating to the prevention and suppression of terrorism. There are treaties on the methods used by terrorists — bombings, hijackings, hostage-takings, nuclear material; on places likely to be targeted — aeroplanes, ships, fixed platforms; and on preventing the financing of terrorism.

In a broader sense, there has been a profound deepening of the law as it relates to jus ad bellum and jus in bello, with the Covenant of the League of Nations, the Kellogg-Briand Pact and the United Nations Charter being important catalysts for the former and the Hague Peace Conferences, the 1949 Geneva Conventions and other more recent instruments relevant to the establishment of new judicial bodies having hugely important roles as regards the latter.

The term "strengthening" in the discussion document clearly envisages the idea of embedding international law into many of the contemporary activities overseen by the Security Council. Sometimes, the content of those activities is notably different from the world of neat inter-State relations in which international law has classically operated.

But strengthening may also mean increasing the level of compliance with the rules of international law, and also ensuring compliance with decisions of international judicial bodies. There is a general day-to-day compliance with international law: our routine life depends upon treaties being honoured and normative customs being adhered to. Usually, all States find such compliance to be to their advantage. At the same time, we are all aware that when the stakes are very high there are eruptions of behaviour that clearly challenge the legal requirements laid down in the Charter.

It can readily be seen that the first three themes highlighted for debate are of critical importance. If I may say so, they seem very well chosen and I look forward to hearing what Member States have to say on each of them. Each of the three themes is different, presenting distinctive issues, but there is within them a common theme. The problem of the rule of law vacuum matched by the collapse of communal justice systems, and the place of law vis-à-vis non-State actors are interrelated elements that clearly present challenges for the Security Council in its desire to fulfil its Charter functions, but acting always within the framework of international law.

Those are extremely pertinent challenges, but I cannot but notice that they each relate to conflict or post-conflict situations. The Charter system, of course, envisages a system of settling disputes peacefully before intractable conflict and post-conflict situations arise. The General Assembly, the Security Council and the International Court each have a responsibility to contribute to that phase of international relations. But a very particular responsibility has been assigned to the International Court. It is my purpose today to remind Member States that at least some of today's discussion problems may be resolved by an early recourse to third-party settlement.

The prime objective of the United Nations must be to prevent those conflicts and post-conflict situations that raise the key rule of law questions with which the Council is grappling. It is unlawful behaviour that so often requires the contemplation of sanctions, whose efficacy and credibility is the subject of the third theme. The second theme, which addresses the range of issues that have arisen in relation to institutions to insure there is no impunity for international crimes, only becomes necessary if such large-scale crimes have indeed occurred.

Peacekeeping, international criminal structures and procedures and sanctions regimes are all important mechanisms for the maintenance of international peace and security within a rule-of-law framework. But sight must not be lost of the fact that if problems can be solved peacefully, these intractable contemporary problems could present themselves less frequently. There perhaps deserves to be more attention to the a priori, rather than to the post hoc alone. All said and done, we are speaking of disputes that threaten international peace.

The Charter requires that disputes must be settled, without specifying required means, although it is clear that legal disputes should normally be referred to the International Court. Time has shown that very many disputes are, in fact, claims about perceived legal rights, even if those are both politically charged and diplomatically sensitive. The International Court has always been prepared to deal with legal issues arising in the wider context of highly political controversy.

Those who do not know the work of the International Court may think that what we do is to settle boundaries and allocate maritime spaces, but that our judicial work is far from the world of military conflict and human misery. The truth is otherwise. The Court has been entrusted with many cases in which political passions have run high, and in which, indeed, some conflict is already occurring. All the evidence suggests that the Court's contribution in such disputes, once entrusted to them, has been both effective and significant.

Further, it should not be thought that territorial and boundary disputes are one category and disputes relating to the use of force another. Disputes about entitlement to territory are, alas, not always peaceful. They can and do spill over into violence. Sometimes the Court can, in providing an impartial pronouncement on the underlying claims, stop high tensions from developing into military action. Its resolution of the *Qatar v. Bahrain* dispute has allowed the resumption of friendly relations between those countries and has assisted stability in the Gulf more generally.

In the Chamber case of *Burkina Faso v. Mali*, eruptions of fighting were brought to an end by the decision of the Court. The judgment of the Court in the *Chad v. Libya* case marked the conclusion of years of military activity and the same has been true of the *Cameroon v. Nigeria* case, to which Mr. Michel has already alluded.

Sometimes, the cases come to the Court too late for it to assist in preventing the fighting. But here too, a judicial role can still play its part in conflict resolution. The very detailed and objective findings of the Court in the recent case brought by the Congo against Uganda, for example, resolves at least some of the intractable issues of fact and law in the Great Lakes region.

The Security Council, faced with the massive problems in its agenda, might be forgiven for wondering whether judgments by a Court with no enforcement powers of its own — indeed, the Charter provides that the enforcement of Court judgments lies ultimately with the Security Council — will, in fact, be complied with. The answer, surprising to many, is that out of nearly 100 contentious cases the Court has dealt with, no more than a handful have presented problems of compliance. Of this handful, the problems of compliance have mostly turned out to be temporary. The success in compliance has been as much true in cases hard fought by political adversaries as in cases brought joindy by States.

Sometimes compliance is instantly achieved. That was the case in the hard-fought litigation of *Qatar v. Bahrain*, where the parties accepted that the Court's judgment would provide a new framework for peace in the Gulf. Sometimes some short-term assistance from the Security Council has assisted. Both parties requested the assistance of the United Nations Aouzou Strip Observer Group, established by the Security Council to oversee the Court's judgment in that case, and the withdrawal of the Libyan forces from the territory declared by the Court to belong to Chad followed very soon after.

Some judgments take longer to implement. Indeed, the possible need to take care of things on the ground may be foreseen in the judgment itself. Only last week, an agreement was announced on the remaining elements needed to implement the Court's judgment of 2002 in the *Cameroon v. Nigeria* case. What has been at stake for the States concerned is far from trivial, politically and economically. This negotiated outcome to the painstaking commitment to implement the Court's judgment has been a tribute to the skills of the Secretary-General and the dedication of the two countries.

The Security Council will wish to know why the question of compliance with the Court's judgments is a relatively rare problem. The reasons, I think, are various. First, the Court is the embodiment of the United Nations, being a major organ thereof. The potency of that factor should not be underestimated. Thus it is not for States to rewrite, challenge or approve of the way the Court functions. That is a given in the Statute, itself a component part of the Charter.

Secondly, the Court is stated in the Charter to be the primary judicial organ of the United Nations. This authority accorded to the Court has served the United Nations well over the years. Then there is the fact that the Court is indeed the Court of all the Members, in the sense that it is composed of 15 judges elected by the entire United Nations membership — that is to say, by the Security Council and the General Assembly — judges of high expertise in international law who represent the different legal systems of the world. The decision-making process of the Court is such that all of the judges are engaged in all of the cases, save in those occasional circumstances where the parties themselves request a reduced Bench, which we term a "chamber". It is not the Court of any region or any personalities. It is the Court of the United Nations.

The bringing of individual criminals to accountability is very important. The creation of new tribunals and courts dedicated to this end is to be welcomed. Their work has my admiration. At the same time, the fundamentals of peace maintenance are not to be forgotten.

The International Court of Justice is a principal organ of the United Nations and, as such, is part of the general system for the maintenance of international peace and security. Its role is thus not minor, nor is it at the margin. It is at the very heart of the general system for the maintenance of peace and security through its specific contribution to the peaceful settlement of disputes.

What then can the Security Council do to mobilize this potential? Of course, there have been important special efforts to this end, and I might appropriately mention in particular the recent resolution adopted by the Special Committee on the Charter upon the Court's sixtieth anniversary.

But the jurisdiction of the Court is based on consent. Thus, the bottom line is the will of States to use what is on offer. This is not the occasion for me to speak about the politico-legal issues associated with the various ways of establishing that jurisdiction. In the context of today's debate, I limit myself to saying the following.

The first discussion point which asks how the Council should develop a policy on certain peacekeeping matters, that the Council might like to consider whether it should develop a policy whereby, in all political disputes that threaten peace and security and where claims of legal entitlement are made, the Council would strongly indicate to the parties that they are expected to have recourse to the Court. Article 33 of the Charter provides that the Security Council may inform parties to settle their disputes by means which include judicial settlement, and Article 36, paragraph 3, states that in making recommendations for the settlement of disputes, "the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice".

I am obliged to say that the Security Council has failed to make use of this provision for many years. This tool needs to be brought to life and made a central policy of the Security Council.

Litigation before the Court is not a hostile act. This fact can be testified by the many friendly States that have been wise enough to know that the best way to avoid deterioration in their good relations, if that cannot be done by negotiations, is to have a dispute between them resolved by the Court. I could mention *Slovakia v. Hungary*, *Indonesia v. Malaysia*, *Namibia v. Botswana*, *Malaysia v. Singapore* and many other recent examples. These cases happen to have come to us by their joint agreement. But it is no more a hostile act even to come to us unilaterally. Recourse to the Court is one of the methods of dispute settlement envisaged by the Charter in Article 33. How can use of an envisaged Charter provision be unfriendly, any more than mediation or conciliation might be? I would mention also — and any State that has been before us would testify as to this — that our proceedings are always conducted in the Court in a manner conducive to the calming of passions and the discouragement of postures of enmity.

I have so much appreciated that Denmark should have used this occasion to emphasize the need to strengthen international law. The fearful problems of today can be methodically addressed only by Member States acting with great restraint and by each United Nations organ fulfilling its respective responsibilities. We are all partners in the same magnificent enterprise — the enterprise spelled out in the Purposes and Principles in the United Nations Charter. The International Court of Justice stands ready to work alongside the Security Council in the fulfilment of these goals.

The President: I thank Judge Higgins for her briefing, which has been most informative and encouraging, and which has provided us with a lot of food for thought.

Before opening the floor, I wish to remind all speakers to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Delegations with lengthy statements are kindly requested to circulate their texts in writing and to deliver a condensed version when speaking in the Chamber.

Ms. Pierce (United Kingdom): I would like to begin by thanking you, Sir, for bringing this important issue to the Council for debate during the Danish presidency. The United Kingdom is proud and pleased to strongly support your initiative. Our thanks go as well to Judge Higgins, President of the International Court of Justice (ICJ), and to Mr. Michel, Under-Secretary-General for Legal Affairs. Their valuable and insightful contributions are informing today's debate.

I would like to cover three issues: the rule of law, international crimes and sanctions. But before I do so, I would like to pick up on what both Judge Higgins and Mr. Michel said about the recent agreement between Cameroon and Nigeria. I had the honour, along with other United Nations delegates, of witnessing this under the auspices of the Secretary-General. I would like to take the opportunity to pay a tribute to the leaders of both countries, but also to the Secretary-General and his Special Representative, for the decision to seek and implement the ICJ's judgment as well as to lay down a very important template for success for the rule of law. I would also like to express the hope that other countries will be able to follow that example.

First, the rule of law. The United Kingdom is fully committed both to the rule of international law and to the Purposes and Principles in the United Nations Charter. The peaceful settlement of disputes is at the heart of the Charter. And, as we have heard from Judge Higgins, the International Court of Justice is the principal United Nations judicial organ charged with settling disputes between States; it has an absolutely central role in maintaining international peace and security. The United Kingdom is a strong supporter of the ICJ, as demonstrated by our acceptance of the compulsory jurisdiction under Article 36, paragraph 2, of the ICJ Statute. We urge other States that have not done so to also accept the compulsory jurisdiction.

Like you, Mr. President, we hope that this debate will generate new momentum on the rule of law and transitional justice in post-conflict situations. Sustainable peace cannot be based on anarchy, impunity or dictatorship. As the Secretary-General stated, "It is by reintroducing the rule of law, and confidence in its impartial application, that we can hope to resuscitate societies shattered by conflict" (*A/59/PV.3, p. 3*).

Some progress has been made since the Secretary-General's landmark report on the rule of law and transitional justice, of August 2004 (S/2004/616). The rule of law now routinely features in the mandates of new peacekeeping and peacebuilding missions. We have been pleased to support the development of lessons-learned studies and training for United Nations rule-of-law personnel. That is all very welcome. But some key recommendations in the August 2004 report remain unimplemented. Notably, the Security Council still awaits proposals from the Secretariat for enhancing the United Nations system.

The United Kingdom warmly welcomed the Secretary-General's idea of a rule of law assistance unit, as endorsed in the World Summit Outcome (resolution 60/1). We await a decision on the unit's establishment, remit and location within the Secretariat. Our view remains that the Unit's focus must be on countries at risk of or emerging from conflict, and we hope it will work closely with the Peacebuilding Commission. We hope, too, that the Peacebuilding Commission will devote considerable attention to rule-of-law and transitional justice needs in the countries on its agenda.

Increased and better coordinated rule-of-law capacity is also needed in the field. What, for example, can a single prison official do in a country the size of the Democratic Republic of the Congo? If the Secretary-General's planning reports provide more detail about how many rule-of-law personnel will be needed in a particular mission and what they will do, the Council should be prepared to agree on this and to provide the greater clarity and specificity on the rule of law in peacekeeping mandates that the Committee of Thirty-Four has rightly called for.

Within United Nations missions there should be maximum cooperation among judicial, corrections,

human rights and policing units, the combined efforts of which are critical. All of those elements, we suggest, should operate within the same pillar and be answerable to a single Deputy Special Representative of the Secretary-General responsible for the rule of law. Together with United Nations agencies on the ground, they should adopt a single, "one United Nations" approach.

Post-conflict States also need access to more and earlier funding. We hope that the Peacebuilding Fund will pay particular attention to this.

The Danish presidency has also asked us to consider the important issue of rule-of-law vacuums, where national justice and security sectors have collapsed. The best possible response to this, in our view, would be the early deployment of international police, justice and corrections personnel and an early start to the process of rebuilding the domestic justice system.

We strongly support the establishment of the standing police capacity and urge that equivalent efforts be made on the judicial and corrections side. In general, we believe that the work of the policing components in United Nations missions would benefit from a detailed discussion by the Council.

Where a rule-of-law vacuum exists, security considerations will often mean that military peacekeepers will inevitably retain a role for some time in ensuring law and order. A recent study for the Department of Peacekeeping Operations urged that planning missions consider what law-and-order functions the military needs to take on. That recommendation warrants careful consideration, in our view.

Secondly, I would like to turn to the subject of international crimes. It is important that the Security Council take the lead in combating impunity for those who have perpetrated genocide, crimes against humanity and war crimes. It is also important that the international community assist States in their efforts to strengthen the capacity of their legal systems so that they can hold such perpetrators to account.

The international community and the Security Council have a range of mechanisms at their disposal for combating impunity, including the International Criminal Court (ICC), national, international and mixed courts and tribunals and truth and reconciliation commissions. The adoption of Security Council resolution 1593 (2005), referring the situation in Darfur to the ICC Prosecutor, was a landmark step in the Council's efforts to combat impunity. The United Kingdom is a strong supporter, in principle and in practice, of the ICC. We urge States that have not yet done so to become parties to the Rome Statute.

The United Kingdom is also a firm supporter of the work of the International Criminal Tribunals for the Former Yugoslavia and Rwanda, the Special Court for Sierra Leone and other existing mixed tribunals. We call on all States to cooperate with and provide support to those tribunals, as the Security Council has mandated.

We welcome the adoption of Security Council resolution 1688 (2006) at the end of last week and the transfer, on Tuesday this week, of President Charles Taylor to face trial before the Special Court for Sierra Leone, sitting in the ICC at The Hague. That is a timely demonstration of the Council's commitment to ensuring that those accused of serious international crimes face justice, no matter how wealthy or powerful they may be. The United Kingdom was pleased to have been able to help in this endeavour through our undertaking to take former President Taylor if he is convicted.

Thirdly, I would like to turn to the issue of sanctions. As set out in the World Summit Outcome, we all support the need for fair and clear procedures for placing individuals and entities on sanctions lists, for delisting and for granting humanitarian exemptions; the question is how we achieve that. It is in all our interests that the Security Council's targeted sanctions be both effective and fair. We are pleased that the 1267 sanctions Committee has now started its consideration of these issues. We believe that any improved procedures agreed in the 1267 Committee should also be reflected in the practice of the other sanctions committees. It would be wrong, in our view, to see this issue in isolation. The United Kingdom is committed to strengthening fair and clear procedures across the various committees as soon as possible.

The United Kingdom supports a pragmatic approach to these issues. We welcome the paper produced by the Watson Institute in March this year with the sponsorship of the Governments of Sweden, Switzerland and Germany. This paper provides a good quarry for practical and sensible improvements to

existing procedures, and we believe that it addresses all the key issues. We trust that the 1267 Committee and other relevant sanctions committees will use the paper to inform their discussions.

Mr. Burian (Slovakia): First of all, I would like to express my thanks to the Danish presidency for organizing this very important, timely and thought-provoking discussion. This is the right opportunity to reaffirm our commitment to the purposes and principles of the Charter of the United Nations and international law as the indispensable foundation of a more peaceful, prosperous and just world. We also thank Mr. Michel and Judge Higgins for their valuable and inspiring statements and observations.

Slovakia fully associates itself with the statement to be made later this morning by the representative of Austria on behalf of the European Union. For that reason, I will limit my statement to several points we wish to underline.

We all can agree that justice and the rule of law, including respect for human rights at the national and international levels, are of key importance to the promotion and maintenance of international peace, stability and development. The focus of today's discussion is the role of the Security Council in the promotion and strengthening of international law. That role should be viewed from the perspective of the functions of the United Nations body primarily responsible for the maintenance of international peace and security and of its competencies under the Charter.

In past years the Council has had to face many new challenges, especially in the fight against terrorism and the proliferation of weapons of mass destruction to non-State actors. We commend and support the significant emphasis that the Council has placed on setting out and strengthening the international legal framework and norms for addressing those issues in an effective and comprehensive manner. We believe that the Council must continue to define the best ways and means of helping and encouraging Member States to secure full implementation of such norms and obligations.

In that regard, we believe that it is also necessary to evaluate the tools that the Security Council has at its disposal to secure the full implementation of all its resolutions and decisions in a more efficient manner so as to further strengthen its credibility and effectiveness. We hope that the ongoing discussions on reform and on the improvement of working methods, including revision of the mandate of the Security Council, will be a good opportunity to address those issues.

Last but not least, the emphasis that the Council places on the full implementation of and universal participation in international treaties is an important step towards promoting the universality of fundamental international conventions, including anti-terrorist and human rights conventions.

One of the important areas in which international law should be strengthened is the promotion of the rule of law in post-conflict situations. The Council should take advantage of the lessons already learned and consider further improvements in the promotion of the rule of law. The Security Council must include the necessary rule of law provisions in the mandates of particular United Nations operations. It is also indispensable that peacekeeping and peacebuilding operations be regularly mandated to address transitional justice and rule of law activities. The creation and development of a trusted, legitimate legal system, based on generally accepted legal principles and human rights norms, is crucial for the establishment of a truly democratic and stable State.

The new Peacebuilding Commission will have important prerogatives in the field of integrating elements related to the rule of law and transitional justice into proposed strategies for post-conflict peacebuilding and recovery, and in developing best practices on issues that will require extensive collaboration among various peacebuilding actors.

Commitment to a strengthened emphasis on international law issues in the work and functions of the United Nations goes hand in hand with a recognition of the importance of ensuring sufficient capacity within the United Nations itself, including in the Secretariat. Due consideration should be given to the establishment of a rule of law assistance unit within the Secretariat.

Ending impunity is another essential issue on which the Council should focus its efforts. Coming to terms with past abuses is the only way of preventing future ones. The main challenge in ending impunity is to ensure a balance between lasting peace and the creation of an effective justice system. We agree with Mr. Michel that there is an interdependence between peace and justice. To achieve one without the other

would leave the issue of post-conflict reconciliation unresolved.

The fight against impunity should be an essential part of any post-conflict reconciliation process. The bringing to justice of those responsible for the most serious crimes and violations of human rights committed during a conflict should form part of the overall considerations of the Council in its discussions or decisions on conflict resolution or post-conflict arrangements.

In that regard, I should like to emphasize the fact that the International Criminal Court (ICC) is the only permanent criminal tribunal that is competent and able to handle the prosecution of the most serious crimes, such as genocide, war crimes and crimes against humanity, where national judicial institutions have failed or are unable or unwilling to bring the perpetrators to justice.

The adoption of resolution 1593 (2005) has shown, for the first time, the potential of cooperation between the Security Council and the ICC in the quest to end impunity. We encourage all Member States that are not yet parties to the ICC to sign and ratify the Rome Statute.

In that context, we should not forget the role of other international, regional and national criminal tribunals or of truth and reconciliation commissions, which have already contributed enormously to preventing impunity and ensuring just, lasting and peaceful solutions, and succeeded in bringing to justice the perpetrators of international crimes and other widespread, systematic violations of human rights.

Sanctions under the United Nations Charter are an efficient tool at the Council's disposal in conflict management and in addressing and preventing violations of international law. Such coercive measures can affect not only the parties to a conflict but also large segments of the civilian population or even whole societies. Therefore it is of the utmost importance that sanctions be adopted in accordance with the provisions of the Charter and have a high degree of legitimacy. The Council must improve the efficiency and credibility of sanctions regimes. The way to achieve that goal is to focus on targeted sanctions.

The transparency and effectiveness of listing and delisting procedures are becoming a yardstick for the work of numerous sanctions committees. We note with satisfaction that several proposals made by individual Member States provide an opportunity to enhance trust and overall satisfaction regarding due process. It would seem reasonable for individuals and entities to be able to address their applications to not only one Member State but to any member of the Security Council.

The role of the focal point should be discussed in depth. In that context, there is a need for increased communication, and additional Secretariat assistance would be vital. An external review process might be another tool to ensure that the right decisions are made by sanctions committees.

We would like to emphasize the complexity of the issues involved in sanctions regimes. Ongoing attention to all related aspects is imperative, keeping in mind the financial support necessary for monitoring and expert teams, along with support for developing countries to enable them to build up their own capacities to implement sanctions regimes within their territory.

Let me conclude by underlining once again the fact that the promotion of the rule of law and the strengthening of international law in the maintenance of international peace and security is an important part of the Council's agenda. Today's discussion shows the many challenges in this regard that can be resolved only through concerted efforts, bearing in mind the rules and principles of international law together with the purposes and principles of the United Nations Charter.

Finally, my delegation fully supports the draft presidential statement prepared and submitted by the presidency.

Mr. Kitaoka (Japan): International law is the basis for the Security Council's efforts to maintain international peace and security. We welcome today's open debate to discuss the role of the Security Council in strengthening this foundation.

I would like to express my thanks to Mr. Per Stig Moeller, Minister for Foreign Affairs of Denmark, for convening and presiding over this important meeting. My thanks go also to Judge Rosalyn Higgins, President of the International Court of Justice, and to Mr. Nicolas Michel, Under-Secretary-General for Legal Affairs, for their thoughtful and enlightening statements.

Mr. President, you have focused our debate on four aspects of the role of the Security Council, namely

the promotion of the rule of law in conflict and post-conflict situations, ending impunity for international crimes, enhancing the efficiency and credibility of United Nations sanctions regimes and the peaceful settlement of conflicts. These are all important issues in which the Security Council has been directly involved and which have seen major development over the past decade. We agree that the Security Council needs to address the way forward on those issues.

Promoting justice and the rule of law means enabling a fragile post-conflict society to avoid further damage from the conflict and to reconstruct its society and build sustainable peace. In considering assistance to promote the rule of law in conflict and post-conflict situations, it is essential to secure the support and participation of the people in those situations. To that end, it is necessary that laws be applied in an impartial manner with regard to those who are socially vulnerable, especially minority groups, women and children. Nor should we overlook the importance of public relations and educational activities.

There is more than one prescription for promoting the rule of law. We believe that a United Nations compilation of best practices would be of great use in helping the new leaders concerned, and their supporters, make judgements regarding the best path to establishing the rule of law.

Ending impunity for international crimes is an indispensable step for constructing a new nation and society. It is particularly crucial that perpetrators of serious crimes be punished and that respect for law and order be strengthened. Bearing in mind that the International Criminal Court is conducting full-scale activities, it will be necessary for the Security Council to consider seriously the exit strategies for the tribunals regarding whose establishment the Council has taken decisions, such as the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. In determining assistance to post-conflict societies, and in the discussions of the newly established Peacebuilding Commission, we hope that rule of law issues, including ways to end impunity, will be given due regard.

The efficiency of sanctions has increased since the Security Council has adopted targeted sanctions. However, with a greater focus on particular individuals and entities as the targets of sanctions, questions have been raised as to transparency, efficiency and credibility. Some of those targeted have been placed on a sanctions list by mistake and the names of some no longer eligible for sanctions have yet to be removed from the list. My Government considers that sanctions can be an effective tool for the maintenance of international peace and security. From that standpoint, we consider that many of the concerns raised can be resolved through conscientious efforts to clarify further the procedures for sanctions, reduce the possibility of evasion of sanctions by those who are true targets and allow the voices of those who have concerns over their inclusion in a sanctions list to reach the relevant sanctions committees. If those elements are achieved, we believe the credibility of sanctions regimes implemented by Member States can be improved.

As political, economic, cultural and other contacts between States and societies continue to grow, it is inevitable that the number of conflicts will increase. What is important, however, is to prevent the escalation of these conflicts and to try, as far as possible, to resolve conflicts following appropriate legal procedures. That is exactly what the United Nations, and the Security Council in particular, in close cooperation with the International Court of Justice and other judicial bodies, have to strive for. From that point of view, it is vital to ensure that law-abiding culture prevails and that international law is equitably applied, no matter what the size of the States concerned.

The Security Council has exerted efforts to establish the rule of law in societies in which peace has been restored. The Security Council has a mission to continue to pursue that goal. The formulation and application of the international legal order must be strongly supported by the international community. It is important for the Security Council to move forward by making necessary improvements in that regard. My Government will also exert its utmost efforts to that end.

Mr. Bolton (United States of America): We welcome today's discussion on the Security Council and international law, as you have entitled it, Mr. President, and we salute the efforts of Denmark in holding this debate in the Council during its presidency.

Secretary of State Rice has noted that one of the pillars of our diplomacy is "our strong belief that international law is a vital and powerful force in the search for freedom". As part of our commitment, the

United States has worked actively to expand our dialogue with other countries on international law issues. Commitment to international law does not mean that every treaty or every dispute-resolution mechanism will serve to advance our interests. Nor does it mean that we will always agree with every interpretation of our obligations offered by others. But international law often provides a useful foundation for achieving common objectives and understandings with other countries, and, where the United States agrees to be bound through such mechanisms, we will honour our legal obligations.

We have strongly supported international legal institutions. The United States supports the work of the International Court of Justice, and we welcome the presence of President Higgins in the Council Chamber for this debate. We look forward to working with her and others in the international community to promote the Court's effectiveness.

We have also supported the Security Council's use of legal mechanisms and institutions as important parts of its efforts to promote international peace and security. As one example, the Council has addressed international criminal justice issues through a number of mechanisms in order to promote accountability for perpetrators of serious crimes and to help societies torn apart by such crimes to reconcile and to avoid further conflict. In that regard, the Council has: created the International Criminal Tribunals for the Former Yugoslavia and for Rwanda to investigate and prosecute serious crimes committed in the conflicts in those countries; worked with the Government of Sierra Leone to establish the Special Court for Sierra Leone and given a mandate to United Nations peacekeepers to facilitate the arrest and transfer to the Court of former Liberian President Charles Taylor; and created the International Independent Investigation Commission to assist the Government of Lebanon in investigating the assassination of former Prime Minister Rafik Hariri and begun work on establishing a tribunal of an international character. The United States has strongly supported those efforts and believes that each has made, and will continue to make, meaningful contributions to the restoration of international peace and security in the affected regions.

The Council has also taken important steps to deter conduct by individuals and entities that may contribute to threats to international peace and security. In that regard, the Council has established a number of targeted sanctions regimes. Those regimes play a critical role in combating international terrorism and in efforts to end violence and establish stability in countries including the Sudan, Côte d'Ivoire, Liberia and the Democratic Republic of the Congo.

There has been a good deal of recent discussion about whether steps may be taken to increase fairness and transparency in the implementation of targeted sanctions. It is a priority of the United States to make the list of individuals and entities that the Security Council targets for sanctions as accurate as possible and to make the process as fair and transparent as practicable. The 1267 Committee has recently begun consideration of several interesting proposals aimed at increasing the fairness and transparency of the Committee's work. We were one of the countries that submitted a proposal. We look forward to working with Council members in the context of those discussions in the 1267 Committee to consider those proposals and to ensure that the United Nations system of targeted sanctions remains a robust tool for combating threats to international peace and security.

In sum, we again commend Denmark for having provided the opportunity for this discussion. The United States will continue to recognize the importance of international law, and we look forward to cooperating with other members of the international community in these matters.

Mr. Pereyra Plasencia (Peru) (*spoke in Spanish*): We welcome your presence here today, Sir, to guide our debate, and we commend Denmark for the excellent job that it has been doing in presiding over the work of the Security Council. We also welcome your initiative to convene this open debate on the rule of law and the maintenance of international peace and security. We also welcome the participation of Judge Rosalyn Higgins, President of the International Court of Justice, and thank her for her valuable statement. We would also like to thank the Under-Secretary-General for Legal Affairs, Mr. Nicolas Michel, for his contribution to the debate.

The rule of law must prevail both nationally and internationally. At the international level, the rule of law means respect for international law, in particular, respect for the Charter of the United Nations. Ensuring that States behave in accordance with international standards guarantees stability and predictability in the international system and is a fundamental element in

the maintenance of international peace and security. For that reason, the Security Council should always act within the framework of international law when it takes decisions.

The presence here today of the President of the International Court of Justice reminds us of the pivotal role that that principal organ of the United Nations plays in the maintenance of international peace and security and of its contribution to the achievement of the fundamental purposes of the United Nations by means of the peaceful settlement of legal disputes among States. It is extremely important that the jurisdiction of the International Court of Justice be universally accepted if it is to continue to carry out its vital work.

With regard to societies that have experienced civil conflict, the international community has fully recognized the importance of restoring the rule of law as a vital basis for lasting peace and sustainable development and for ensuring their economic and social viability and stability. In such cases, above and beyond the urgent need to re-establish the full power of the State, far-reaching changes are required. These should be reflected in legal, judicial, police and prison reforms, and, above all, in the dissemination of a culture of respect for human rights and of tolerance.

The challenge is enormous. It means leading towards tolerance and the rule of law those societies in which social exclusion is deeply ingrained and in which the social compact has not been respected or has been destroyed by political, ethnic or religious conflict. Such work requires a long-term, sustained commitment on the part of national authorities and their societies, ownership of the process by those societies and effective cooperation on the part of the international community.

As regards the tasks of the Security Council, in particular concerning the mandates of peacekeeping operations, we support the recommendations made by the Secretary-General in paragraph 64 of his report on the rule of law and transitional justice in conflict and post-conflict societies (S/2004/616).

One particular aspect that we wish to highlight is the need to combat impunity. That is essential, because it is not possible to establish the foundations for lasting peace and a democratic society where impunity exists. It is vital that we punish those who committed crimes, promote national reconciliation and help to prevent the resurgence of conflict in the future through deterrence. Until such a time as the national system for the administration of justice is re-established, or in cases where that system is facing serious difficulties, other mechanisms should carry out those tasks. The Security Council has recognized the need for legal mechanisms to contribute to the achievement of international peace and security. It created the International Criminal Tribunals for the former Yugoslavia and for Rwanda, it referred the Darfur situation to the Prosecutor of the International Criminal Court, and it recently approved the transfer of the former President of Liberia, Charles Taylor, to The Hague, where the Special Court for Sierra Leone will be making use of the premises of the International Criminal Court (ICC).

Peru is firmly committed to combating impunity, and it recognizes the important work being done by the ICC in this regard. The Security Council must continue to support the Prosecutor in the investigation under way concerning the crimes committed in Darfur and ensure that the Sudan cooperates promptly and properly, in keeping with the Council's relevant resolutions.

Likewise, the Security Council should provide the firmest possible support on the ground for the apprehension of the five leaders of the Lord's Resistance Army for whom an arrest warrant has been issued by the ICC. Their arrest and subsequent trial at the ICC will help the Council in fulfilling its task of re-establishing international security and peace in the region.

In order to ensure the efficient functioning and credibility of the Security Council's sanctions regimes, it is essential to address the concerns that have been expressed concerning their application in the case of individuals and the need to have more consistent procedures with respect to human rights and, in particular, respect for due process.

The sanctions Committee created pursuant resolution 1267 (1999) is currently carrying out a review of its procedures for placing individuals and entities on its consolidated list and for removing them from it. We commend the efforts being made in this process by the current Chairman of the Committee, Ambassador César Mayoral, Permanent Representative of Argentina, in order to ensure that our deliberations are productive.

Mr. Shcherbak (Russian Federation) (*spoke in Russian*): I would like to thank you, Mr. President, for having taken the initiative to convene a debate on this issue in the Council today. We are also very grateful to Judge Higgins and Mr. Michel for their informative briefings. There can be no doubt that today's theme is extremely relevant in the context of the work of the Security Council, as well as for the Organization as a whole. We are convinced that promoting the rule of law in international relations is the cornerstone of any lasting system of collective security, in which the United Nations, the General Assembly and the Security Council play a key role.

Nor must we forget the role of the International Court of Justice and the International Law Commission in establishing, compiling and developing modern legal norms at the international level. International law is civilization's unique achievement. It must always prevail over the selfish aims and interests of individual States.

Today we have an opportunity to consider the interrelationship between the rule of law and international peace and security from the perspective of the Security Council's role in that process. I do not know what legal experts would say as to whether the Security Council can create law, but it is obvious that in the recent past its legislative activities have influenced the establishment and interpretation of international legal norms. In that regard, suffice it to point to Security Council decisions on the establishment of ad hoc international criminal tribunals, its adoption of resolutions reasserting the right of States to self-defence in the event of terrorist attacks against them, and the universally mandatory character of decisions concerning measures to counteract terrorism and the proliferation of weapons of mass destruction. We believe that those innovations in the work of the body with the primary responsibility for the maintenance of international peace and security merit the attention of legal experts.

The Charter of the United Nations confers upon the Security Council the primary responsibility for the maintenance of international peace and security. It also gives it the necessary powers to do so, from making recommendations with regard to the peaceful settlement of disputes, including support for regional agreements, to the use of coercive measures. The Council is also unique in that it is the only body in the United Nations system endowed with the power to enforce the implementation of its own decisions.

In the course of the last decade and a half, we have seen the Security Council play an increased role and make greater use of its potential. It faces more difficult tasks in meeting old and new threats and challenges, primarily those posed by international terrorism. In line with that trend, the means at its disposal are also evolving. It is for that very reason of considerably increased responsibility that the Security Council should pay particular attention to reasserting the principle of the rule of law, in both its own work and its relations with other United Nations bodies, organizations and States.

As we are all aware, in the early stages of establishing the rule of law in post-conflict situations, we have established expensive international tribunals whose work, as experience has shown, has not been effective enough. Most important, such tribunals have been cut off from the realities of the societies with regard to which they operate. The international community has placed great hopes in the International Criminal Court to counteract the culture of impunity. The Russian Federation has consistently upheld its belief that we cannot successfully combat impunity unless we take account of local conditions and traditions.

The United Nations should not be a substitute for national measures to establish a legal system for bringing the guilty to justice; rather, it should provide an impetus for doing so. Extinguishing the flames of conflict between warring parties is not enough. The United Nations must be closely involved in the complex task of establishing peaceful conditions. The Peacebuilding Commission will become an important instrument for the international community to support countries emerging from hot crises. It will work at the nexus between the efforts of the Security Council, the Economic and Social Council, representatives of international financial institutions and the donor community. The Security Council will no doubt have a central interest in the work of the Peacebuilding Commission, and it is important that the Commission's advice be in line with existing mechanisms for the management and coordination of integrated United Nations peacekeeping missions.

We welcome the various processes launched by the Council to share experiences and best practices in

updating the procedures of its subsidiary bodies. We consider the work done by the Committee established pursuant to resolution 1267 (1999) to improve the sanctions regime to be particularly important. Sanctions are an important tool in the maintenance of international peace and security, and they are utilized by the Security Council under the powers conferred upon it by Chapter VII of the Charter. It is important that sanctions regimes adhere to fair and clear procedures, without impinging upon the Council's powers or detracting from the primary goal of improving the effectiveness of sanctions.

Here too, we believe that priority should be given to improving national laws in this area. We are convinced that the proper resolution of many problems at the national level would keep those problems for exploding on the international scene. The international community must encourage States to take effective steps in this area.

In conclusion, I would like to touch upon an important issue, namely, the Security Council's recourse to Chapter VII. We believe that debating this matter is particularly relevant in the context of discussing the rule of law and the maintenance of international peace and security. Unfortunately, we have recently noted a trend towards increased recourse by the Council to Chapter VII of the Charter. In that connection, I would like to stress that employing Chapter VII is justified only in situations where the Security Council determines that there is a threat to peace or a violation of international law in a given region. Discussion of enforcement measures and use of force can take place only once all other avenues of ensuring international peace and security have been exhausted. The outcome document of the 2005 summit of heads of State and Government (General Assembly resolution 60/1) stated that peaceful coexistence and cooperation among States requires a commitment to the purposes and principles of the Charter and international law. The Russian Federation fully shares that belief, which we think can be realized. That would serve as a guarantee for a peaceful, prosperous and just future.

Mr. De La Sablière (France) (*spoke in French*): First of all, I too would like to say how much we appreciate the fact that Denmark has taken the initiative to organize today's consideration of the Security Council's contribution to strengthening international law.

As set out in the Preamble to the Charter, our Organization was born out of the desire to save succeeding generations from the scourge of war, protect fundamental human rights and ensure justice and respect for international law. Each of the organs of the Organization must play its role. We have had the honour to hear from the President of the principal legal organ of the United Nations, who emphasized the relevance of the work of the International Court of Justice. The number of inter-State disputes submitted to it and of requests for opinions by United Nations organs testifies to the Court's vitality. To dispense justice is a crucial responsibility in terms of defining the structure of the international system. Applying justice is also vital.

The Secretary-General, on whose behalf Mr. Nicolas Michel, Under-Secretary-General for Legal Affairs, has just spoken, also plays a significant role in that regard, as demonstrated by the recent signing of the agreement on implementation of the International Court of Justice judgment concerning the Bakassi Peninsula.

The Council's essential contribution in ensuring respect for international law in situations where there is a threat to international peace and security is well known. I would therefore like to address myself to the most recent changes in the practices of the Security Council, as well as to set out a few guidelines for future undertakings.

First of all, with regard to ensuring the responsibility to protect, at the September 2005 summit heads of State or Government solemnly acknowledged the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. That represented significant progress and was the outcome of a long process — undoubtedly launched by the Council when it acknowledged, in resolution 688 (1991), the impact of the repression of the Iraqi civilian population on peace and security in the region. The Security Council must always bear that responsibility in mind, and act when a State is clearly not protecting its own people from such serious crimes. The international community must take timely action.

The second development pertains to combating impunity. When we have been unable to avert tragedy, we must prevent it from being repeated. One way of doing that is by identifying and punishing those principally responsible.

In creating the international criminal tribunals for the former Yugoslavia and Rwanda, the Council has made the fight against impunity an essential element in the restoration of peace in societies that have experienced large-scale atrocities. In so doing, it has promoted the expansion of international justice, culminating in the creation of the International Criminal Court.

The establishment of that first permanent and universal Court is a cause for great hope. No perpetrator of the most serious violations of international humanitarian law and human rights today can hope to go unpunished. The Council must not hesitate to submit situations to the Prosecutor of the Court, as it has done in the case of Darfur. The Council must provide determined and tireless assistance to the institutions it has established, referred to or supported. While Charles Taylor is being sent to The Hague, with our support, it is unacceptable that, so many years after the tragedies that led to the creation of the ad hoc tribunals, high-level indictees remain at large. States must cooperate fully with the International Criminal Court and with the mixed or international tribunes.

The Council must also ensure that, in matters with which it is seized, States' requests to the Secretary-General for assistance in the field of justice are satisfied. That is the case for both Burundi and Lebanon. The Council must continue to help the latter country and its people as they seek the truth and in their resolve to bring to justice all those who participated in the terrorist attack on Rafik Hariri by creating an international tribunal. The Council has given the Secretary-General a mandate to that end, and we look forward to the early completion of discussions with the Lebanese authorities.

Thirdly, as to promoting the rule of law, it is by supporting the establishment of political institutions that respect the rule of law and human rights, and by encouraging the creation of effective national measures to counteract terrorism and impunity, that the Council can ensure the durability of peace and security. The Secretary-General's 2004 report on re-establishing the rule of law — a remarkable document that remains relevant today — has lessons to teach that should be heeded by the Peacebuilding Commission, which will hold its inaugural meeting tomorrow.

The assistance to be provided by the international community to countries emerging from conflict should be based on an in-depth analysis of local capacities and needs, and not on external models. Such an analysis should be made by recognized experts who understand the local environment and based on international norms for the protection of the individual. It should also be part of a comprehensive approach and — a point that my country wishes to highlight — take greatest account of the victims, who must be recognized, rehabilitated and compensated.

I turn now to the issue of the effectiveness of sanctions, which must be strengthened. Sanctions are an absolutely essential political instrument for applying pressure. The Council has gradually improved its sanctions regimes by targeting individuals who have violated embargoes, hindered peace processes, been linked to Al-Qaida, perpetrated crimes or incited hatred. We must improve that instrument.

The Council's effectiveness depends in part on its capacity to persuade States resolutely to implement the measures that it has established. That is particularly clear in the field of counter-terrorism. Recently, however, we have seen a sudden loss of confidence in some countries with regard to the delisting mechanisms of the sanctions committees. Some States, believing that, once listed, an individual cannot practically be delisted, hesitate to add new names to the list of the Al-Qaida/Taliban committee. The Council must correct that view by creating an effective mechanism.

To that end, France has proposed the creation within the Secretariat of a focal point for receiving delisting and exemption requests directly from the individuals listed. The creation of such a focal point, to be shared by all the sanctions committees, would allow the procedure to be more accessible, transparent and standardized and ensure that all requests are considered. We deeply hope that our proposal will enjoy broad support and be implemented as soon as possible.

Exercising the responsibility to protect, fighting impunity, establishing the rule of law and improving the sanctions system are goals that my country hopes to see implemented and pursued by the Council with greater resolve.

Mr. Mayoral (Argentina) (*spoke in Spanish*): We would like at the outset to thank the Danish presidency of the Security Council for convening this open debate. We are honoured by the presence here today of Mr. Moeller, the Foreign Minister of Denmark.

We also welcome the statement and the presence of Judge Rosalyn Higgins, President of the International Court of Justice. We learned a great deal from her briefing. Argentina believes that the International Court of Justice is our Organization's basic pillar of international law.

Our country attaches the greatest importance to the affirmation of the rule of law as a requisite for achieving peace and security at the national level, and especially within the framework of the action of the Security Council.

Argentina's history in recent times allows us to appreciate even more deeply the importance of democracy and the rule of law. The socio-economic and political crises that we have experienced, and which were resolved in accordance with the Constitution and the law, strengthened the attachment of Argentine society to those basic values of coexistence, which must be defended and preserved. The rule of law is a system in which the law treats all individuals equally.

The Security Council's mandate under the United Nations Charter to secure international peace and security gives its action a key leading role in the formulation and application of the rules of international law. We believe that the global interest is part and parcel of each of the national interests that we defend, since the Security Council is the international institution entrusted with the greatest responsibility. We also believe that human rights law falls within that category of inalienable global values.

Legitimacy, democracy and justice are values in the building and maintenance of peace that must guide the action of the Council in conflict management and post-conflict situations. We must continue effectively to apply the criteria and recommendations proposed by the Secretary-General in 2004. To that end, we believe that it is most necessary that we receive the report that was requested at that time, and that a rule of law assistance unit be established within the Secretariat, as requested in the outcome document of last year's summit of heads of State and Government. At the institutional level, we must promptly and effectively create that unit vis-à-vis the Security Council and the Peacebuilding Commission.

The link between peace and justice is essential and was the impulse behind the Council's creation of the international tribunals. We must continue to work together and to support politically and financially the international tribunals for the former Yugoslavia, Rwanda and Sierra Leone.

Here, I wish again to emphasize Argentina's support for the work of the International Criminal Court. In recent months, the objectives for which the Court was created are beginning to be attained. We note, inter alia, the investigations under way, the transfer to The Hague of Thomas Lubanga and Charles Taylor, the arrest warrants issued for the leaders of the militia known as the Lord's Resistance Army in Uganda and the endeavours to meet the objective of referral of the Darfur case.

In that context, we urge the Sudanese authorities to cooperate fully with the Office of the Prosecutor of the Court so that the investigation may be carried out, while providing security for the witnesses. We encourage the Security Council to continue to cooperate with the Court to put an end to impunity, thereby continuing towards a universal system of justice which will prevent future crimes and will ensure that perpetrators do not go unpunished. For that reason, we urge all States that have not yet signed or ratified the Rome Statute to do so as early as possible. The international community wants an International Criminal Court with truly universal jurisdiction and competence.

Combating impunity and promoting the rule of law should be a firm policy of the Security Council. Effective implementation of human rights reduces the conditions that lead to threats to, and violations of, international peace and security, which, as we all know, are for the most part intra-State conflicts.

As a result of our painful historical experience, Argentineans know that justice may be secured only through knowledge of the truth, and that all flagrant human rights violations should be brought before the courts. Impunity cannot be tolerated. Thus, Argentina along with other Governments, is actively participating in the preparation of an international convention for the protection of all persons from enforced disappearance. Here, we urge all States Members of the Organization to adopt the draft convention during the first session of the Human Rights Council, which began this week in Geneva.

Lastly, I would like to refer to the Security Council Committee established pursuant to resolution 1267 (1999), the Al-Qaida and Taliban sanctions

committee, which is chaired by Argentina. As regards the Council's application of sanctions, we believe that the 1267 Committee may suggest a productive way of fulfilling the mandate issued by heads of State at the 2005 summit, in order to ensure that the procedures used for listing and delisting individuals and entities on the sanctions list, as well as for granting humanitarian exceptions, are clear and fair.

As Chair of the Committee, my delegation has sought to maintain impartiality in the negotiations on reviewing the Committee guidelines, a process that has just begun. But we believe we must do our utmost to include and respect the basic elements and standards of due process. We need to arrive at a consensus and strike the proper balance between security and intelligence imperatives and respect for human rights.

While we know the Council acts on behalf of all United Nations Members pursuant to Article 24 of the Charter, we must also be aware of the perceptions that exist outside of the Council — among Members, in national courts and in parliaments — that the Council has decided at times to act as a global judge and legislature.

However, the Charter also states that the Council has duties and we must also take jus cogens into consideration. Therefore, we appeal to Council members to make every effort to achieve consensus in the review of the guidelines of the 1267 Committee and thus improve its legality and legitimacy. Political responsibility, common sense and the strengthening of international law should impel us to achieve those objectives. We are certain that we shall achieve them if we make the effort.

Mr. Al-Nasser (Qatar) (*spoke in Arabic*): Qatar commends the Danish delegation for convening the debate on this important issue. We welcome Judge Rosalyn Higgins, President of the International Court of Justice, and Under-Secretary-General Michel for their participation in today's important debate.

International law and norms play an important role in the maintenance of international peace and security. Strengthening international law and norms is a prerequisite for living in peace and security. However, the effectiveness of the international legal system depends on the degree of commitment shown, in particular, by the powerful States that play a primary role in the system. Thus, one question must be answered: Do those Powers want an effective international legal system that leaves its mark on international relations — whose main features are decided by the politics of particular international legal contexts?

Accordingly, if we are to evaluate the performance of States, acting either individually or through their participation in international organizations such as the United Nations and its main organs, including the Security Council — or indeed if we are to evaluate the performance of those organizations and organs — we must consider their commitment to the provisions of international law and norms. We have all come to realize that the more effective and robust international law is, the more it irritates such Powers.

Legal norms and the rule of law form a system that cannot be brought to full, sustainable fruition overnight, either locally or internationally. The benefits we derive from that system are long-term, but only people with vision realize that. The international community thrives when the rule of law and political power act seamlessly in tandem, not when they collide. With power comes responsibility; even the shortsighted realize that the absence of the rule of law leads to anarchy, fragmentation and loss.

The rule and norms of international law translate into a source of stability, security and safety for all the peoples of the world and thus, for the international community. No Power, no matter how strong, and no international organization or organ such as the Security Council — whatever its mandate — can achieve international peace and security without scrupulously observing the provisions of international law and strengthening the rule of law. Commitments by world leaders to uphold the principles and purposes of the Charter and the norms of international law, as a precondition for prosperity and peace for the world's peoples, will not be enough unless they are translated into action.

The peoples of the world have been vocal in calling on the United Nations and, in particular, the Security Council to strengthen international law and promote the rule of law. That honourable course must be pursued if international peace and security are to be maintained. Regrettably, however, armed conflicts continue to rage mercilessly, killing constituent members of the international community in full view of the relevant international organizations.

In post-conflict situations, neglect, political mayhem and discriminatory practices undermine international human rights standards. Impunity is rampant for reasons well known to us all. Foremost among them is the absence of genuine political will on the part of some influential Member States which manipulate the international decision-making process. Another reason is the failure to bring the perpetrators of such crimes to justice, in either international or national courts.

Current policies which target individuals for sanctions do not take into account due process when listing and delisting individuals on sanctions lists. Moreover, failure to provide an effective mechanism to review those decisions could undermine the credibility of the Security Council and its effectiveness in maintaining international peace and security.

Similarly, the Security Council's policies for combating terrorism may face a credibility gap. Indeed, these policies have reached a turning point of sorts. Individuals listed on sanctions lists by committees established pursuant to Security Council resolutions have challenged such resolutions and sanctions regimes, particularly those regarding Al-Qaida and the Taliban, by taking their cases to regional and national courts and arguing that their basic rights, including property rights, the principle of proportionality and due process, have been violated. One of the most prominent regional courts has ruled that courts can review Security Council resolutions to verify that they are consistent with internationally recognized standards of human rights, and that no State Member of the United Nations — nor the United Nations itself, nor the Security Council — can ignore, violate or bypass those standards.

This legal and judicial impasse can be overcome, because we now live in a time when it has become taboo to sacrifice human rights for any reason. Judges and other honourable men and women spend long hours trying to protect the rule of law regardless of the circumstances. Those individuals will uphold the truth because they are committed to the implementation of the law.

Here in the United Nations, and in the Security Council and its committees, we have made, and will continue to make, contributions to address and improve the situation and to strengthen international law and the rule of law, together with all other peace-loving countries that respect and defend the rule of law. We cannot delay working together to restore security, human rights and the rule of law. We all must stand united in order to achieve our noble objective, namely, that international peace and security be a reality for all peoples of the world.

Mr. Mahiga (United Republic of Tanzania): We thank you, Madam President, for organizing this debate to revisit the important issue of the rule of law. We also acknowledge the presence of your Minister for Foreign Affairs; this is the second time he has been with us, which demonstrates Denmark's principled position on the United Nations, and on the Security Council in particular. We also thank Judge Rosalyn Higgins, President of the International Court of Justice (ICJ), for her seminal presentation this morning. Equally, we thank Mr. Nicolas Michel, Under-Secretary-General for Legal Affairs, for his contextual presentation for this debate.

Under the Charter, the Security Council has a major role to play in implementing international law with regard to the peaceful resolution of disputes and the maintenance of international peace and security. This forum provides us yet another opportunity to reflect and to engage in a constructive dialogue on how we apply the legal tools in our day-to-day responsibility of maintaining international peace and security.

Working within the purview of international law, the Council has a legal obligation to contribute to the development and interpretation of international law. In that context, one cannot but appreciate the progressive evolution of numerous international legal mechanisms that have been instrumental in carrying out the Security Council's responsibilities. The establishment of the International Criminal Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda, the Special Court for Sierra Leone and the International Criminal Court (ICC) are among the major innovations that have come about in recognition of the need to address international law.

The challenge to the rule of law and international law posed by non-State actors can be daunting, but it is not impossible to deal with. The indictments issued by the ICC against non-State actors, such as the Lord's Resistance Army, demonstrate the growing determination of the international community to address international criminality and impunity.

The Council has been taking appropriate steps in accordance with the requirements of the relevant provisions of the Charter with respect to conflict and post-conflict situations. The focus has been on discharging its responsibilities on the issues of the rule of law, human rights, transitional justice and international humanitarian law. We commend, in particular, the efforts taken through peacekeeping missions to restore law and order in conflict and post-conflict situations. While appreciating the positive efforts that have been made so far, we are conscious of the remaining gaps in the implementation of the existing legal framework. In order to address those gaps, the Council must strengthen mechanisms for the protection of civilians in armed conflict and post-conflict situations.

In that context, we recognize and underline the role of the International Court of Justice in complementing the role of the Security Council in the maintenance of international peace and security.

The United Republic of Tanzania attaches great importance to the responsibility of States in ending impunity and prosecuting those responsible for war crimes, genocide, crimes against humanity and serious violations of international humanitarian law. In that respect, we would like to reaffirm our commitment to and support of the International Criminal Court and the principle that States and the international community as a whole have a responsibility to protect.

In the same context, we applaud the establishment of the Peacebuilding Commission. We strongly believe that it will play a pivotal role in establishing judicial systems, the rule of law, reconciliation and the institutionalization of human rights in post-conflict situations as part of good governance.

It is on the basis of that conviction that we support the establishment of a rule of law assistance unit in the Secretariat. We believe that following its establishment, the unit will be able to work hard, and hand in hand with the Peacebuilding Commission, to ensure that the rule of law prevails in post-conflict situations, and that it will play a significant role in preventing conflict as well.

Progressively, sanctions have become one of the major policy tools of the Security Council. They have become an indispensable instrument in the Council's effort towards addressing the most rampant violations of human rights and international humanitarian law in conflict situations and beyond. However, by their very nature, sanctions, whatever form they take, are punitive. In their application, we should never lose sight of their intended primary objective, that is, to elicit compliance and cooperation from the parties in ending conflicts, and not simply to punish the targets. Sanctions should be applied in order to exert pressure on those parties which fail to cooperate in peace efforts or to prevent human rights violations, war crimes, crimes against humanity and violations of international law.

Understood and applied in that way, sanctions regimes should be temporary rather than permanent in nature. This understanding is important in determining the credibility and effectiveness of sanctions. Based on this perception, discussion of a systemic and standardized approach to, and procedures for, listing and delisting becomes essential.

In conclusion, we welcome the ongoing efforts directed towards addressing the difficulties Member States are facing in implementing United Nations sanctions regimes. It is important to strike a balance between enhancing the efficiency of sanctions against targeted individuals and respect for the rule of law and the human rights of the individuals concerned.

Mrs. Telalian (Greece): I would like to begin by expressing our appreciation to you, Madam President, for organizing this important debate on an issue that is, in our view, a critical component for lasting peace and security. We also thank Judge Rosalyn Higgins, President of the International Court of Justice (ICJ), and Mr. Nicolas Michel, Under-Secretary-General for Legal Affairs, for their important contributions earlier today.

Greece would like to associate itself with the statement to be delivered later by the Austrian Presidency of the European Union.

The importance of international law and the rule of law is reflected in various United Nations conferences and summits, including the Millennium Summit and the September 2005 summit, where world leaders reaffirmed their commitment to the United Nations Charter and to international law and recognized them as the indispensable foundations of a more peaceful, prosperous and just world. World leaders also recognized the rule of law and human rights as principal values of the United Nations system.

and emphasized the important role of the International Court of Justice in the prevention and resolution of disputes among States. We are strongly committed to those principles. With respect to the ICJ, we urge States that have not yet accepted the compulsory jurisdiction of the Court to do so and to make more frequent resort to the Court.

The Security Council, which has the primary responsibility for the maintenance of international peace and security, should do more to promote the pacific settlement of disputes. In that respect, we would like to underline that full implementation of the judgments and advisory opinions of the ICJ would further enhance its role in promoting legality and the primacy of international law in international relations. The Council could also consider recommending — by virtue of Article 36, paragraph 3, of the Charter — that the parties refer a case to the ICJ. We are pleased that Judge Higgins mentioned the need for that tool to be brought to life. We fully agree.

The United Nations has been actively engaged in issues related to the promotion of the rule of law and transitional justice in war-torn societies. The Security Council, for its part, has been supportive of the principles of the rule of law and accountability for international crimes in conflict and post-conflict societies. The creation of the two International Criminal Tribunals was a remarkable development that can help those societies overcome past abuses and achieve peace and national reconciliation.

The Security Council has also supported the establishment of mixed international-national hybrid tribunals to try the perpetrators of serious crimes. The establishment of United Nations commissions of inquiry to report on serious human rights violations in specific countries is another means used by the Council to address impunity, as, for example, in the case of Côte d'Ivoire. It is important, however, that the findings and recommendations of those commissions be discussed by the Council and that the reports be made public.

In addition, the referral of the situation in Darfur to the International Criminal Court (ICC) was a bold step in the direction of combating impunity through international justice, since the ICC is, in our view, a symbol for a new world order based on the rule of international law. The Security Council should now provide the Court with the support it needs to accomplish its difficult mission to investigate, prosecute and bring to justice those who bear the greatest responsibility for war crimes committed in Darfur. A major concern in that regard is the need to protect witnesses.

Likewise, resolution 1688 (2006), on the transfer of Charles Taylor to The Hague to be tried by the Special Court for Sierra Leone on the premises of the ICC, and resolution 1674 (2006), on the protection of civilians in armed conflict, reaffirm the Council's commitment that justice and peace are mutually reinforcing.

The Council should, however, take further steps to ensure fair and expedient justice when serious violations of humanitarian law have taken place. In that regard, the recommendations of the Secretary-General contained in his report on the rule of law and transitional justice in conflict and post-conflict societies (S/2004/616) could be of great help. We urge the Secretariat to prepare a report containing proposals concerning the implementation of those recommendations, as requested by the Council in 2004.

In recent years, the United Nations has moved progressively from a culture of reaction to a culture of prevention. An integrated approach to conflict prevention, conflict management and peacebuilding has been developed to deal with the new and expanded agenda of peace and security. The protection of human rights — especially those of children and women in armed conflict, as well as of refugees and internally displaced persons — has assumed a prominent place on that agenda.

The Security Council, breaking with its tradition of dealing with individual crises, has adopted a number of resolutions to reinforce these issues. Resolution 1674 (2006), on the protection of civilians, contains important elements to promote respect for international humanitarian law, to pursue justice and the rule of law and to protect civilians against human rights abuses in conflict and post-conflict situations. The Council should now implement these elements consistently in its future mandates for peacekeeping operations.

Post-conflict peacebuilding is a major priority for the United Nations system. The establishment of the Peacebuilding Commission will promote important aspects of the rule of law in conflict-affected countries, such as respect for human rights, constitution-making,

transitional justice mechanisms and legal and penal reform, and will help alleviate many ethnic tensions.

On many occasions, the Security Council has used targeted sanctions as a tool to modify the behaviour of specific actors whose actions have been identified by the Council as threats to international peace and security. Targeted sanctions are also currently used against those who commit serious violations of human rights and international humanitarian law, incite hatred and impede the peace process.

There are, however, serious concerns about the lack of fair and clear procedures for placing individuals and entities on — and removing them from — sanctions lists and for granting humanitarian exceptions. Those concerns were also expressed at the September 2005 world summit. In our view, the Security Council should address this problem as soon as possible. The sanctions committees should amend their guidelines to bring them in line with procedural fairness and effective remedy requirements. In that respect, we would like to emphasize the important contributions of Council members France and Denmark, as well as of various processes. The recent report published by the Watson Institute, "Strengthening Targeted Sanctions through Fair and Clear Procedures", which was sponsored by the Governments of Switzerland, Germany and Sweden, provides many useful options to that effect, and we urge the sanctions committees to take those options into consideration. I would like to add that we listened with great interest to the comments made earlier by the Under-Secretary-General for Legal Affairs on that issue. We fully subscribe to his statement.

I would like to conclude by quoting Mrs. Louise Arbour, United Nations High Commissioner for Human Rights, who, in a recent address at Chatham House, stated:

> "With the continuing threat of terrorism, and indeed with persistent armed conflicts and the ever more perverse effects of extreme poverty, as we experience this prolonged exposure to real and perceived threats to our security, we are also faced with an extraordinary opportunity to forge a worldwide jurisprudence capable of protecting fundamental human rights when it matters most."

That is, indeed, the challenge of our time.

Nana Effah-Apenteng (Ghana): At the outset, on behalf of my delegation, I wish to commend you, Mr. President, for organizing this debate, which has given us yet another opportunity to examine and reaffirm time-honoured values and principles that have enabled us to avoid the fate of those who experienced the horrors of the First and Second World Wars. The world is showing less and less tolerance for impunity and egregious violations of human rights, ethnic cleansing and genocide, and wars of aggression that threaten the independence and right to self-determination of sovereign States.

The enduring lesson of the Second World War is that the continued maintenance of international peace and security is inextricably linked to the observance of the rule of law in the conduct of international relations. In that regard, the 2005 World Summit Outcome document was clear when it affirmed, in part 1, paragraph 6,

> "the ... importance of a ... multilateral system, in accordance with international law, in order to better address the multifaceted and interconnected challenges and threats confronting our world". *(General Assembly resolution 60/1)*

That proclamation is in consonance with our firm conviction that multilateralism should drive our approach to international issues and that the foundation of that multilateralism should be the international rule of law. Today, as we confront the threat to human survival posed by the proliferation of weapons of mass destruction, terrorism, authoritarianism, poverty and armed conflicts, we need to insist with even greater vigour that the rule of law must underpin our approach to multilateralism. In saying this, I am all too mindful of the enormous challenges faced by the United Nations as it embarks on profound reforms, in order to become more effective and credible as the pre-eminent tool of multilateralism in the twenty-first century.

On the promotion of the rule of law in conflict and post-conflict situations, it is clear that a great deal more of the attention, resources and focus of the international community must be redirected towards addressing the root causes of conflicts. While well-tested mechanisms and procedures such as peacekeeping have been in place for years to handle conflict and post-conflict situations, there is a need to correct this lopsided emphasis, tilting it more towards pre-conflict situations. Extreme poverty, ethnic tension

and racial, cultural and religious intolerance, set against a background of poor governance and human rights abuses, have been known to ignite conflict.

The responsibility of the United Nations and of the international community at large is to note such danger signals and take appropriate action to ameliorate the situation before it degenerates into conflict. This is a critical area that has often been overlooked. It is more cost-effective to troubleshoot when warning signals are evident than to contain a conflagration, with the attendant toll in human lives and huge peacekeeping costs. An effective system of early warning could greatly reduce the incidence of conflicts. Such an early-warning system could trigger action by the international community, using a wide array of tools and mechanisms, such as fact-finding missions, mediation and conciliatory efforts, arbitration and sanctions. Such measures may be necessary to restore the rule of law and justice in societies that are on a trajectory to conflict.

As stated by the Secretary-General in his report on the rule of law and transitional justice in conflict and post-conflict societies, prevention is the first imperative of justice. Post-conflict situations require the building of institutions of governance and justice, while at the same time gradually rebuilding the trust and confidence of a traumatized population in those institutions.

Transitional justice systems will therefore have to take into account the victims of past abuses and fashion a mechanism of national reconciliation by which the perpetrators of such abuses can at least atone for the wrongs done, if not brought to justice. There is a vital need for the international community to support this fragile process with the necessary political commitment and financial resources, if vested interests that feel threatened do not derail the peace and transitional processes.

We believe that the newly established Peacebuilding Commission will address effectively such post-conflict issues. We call on the international community to show the necessary political will and commitment to the Peacebuilding Commission by providing appropriate resources to enable it to play the role envisaged for it.

The need to end impunity for egregious violations of human rights, crimes against humanity, genocide and wars of aggression is necessary for the maintenance of the rule of law and international peace and security. On this point, we are happy to note that the International Criminal Court (ICC), whose creation was a landmark in the development of international humanitarian law, is now fully operational and has commenced investigations in a number of cases. The referral by the Council of the Darfur situation to the ICC is an important milestone in the Court's development. We also note with satisfaction the achievements of the International Criminal Tribunal for the former Yugoslavia and of the International Criminal Tribunal for Rwanda. My delegation hopes that the Council will be flexible on the question of the completion strategy of those two tribunals so as to enable them handle the most serious cases successfully.

We also recognize the role of the International Court of Justice in adjudicating disputes between States. We believe that recourse to the Court has been very effective in reducing tensions between parties to international disputes. The facilities of the Court will be needed more than ever for the rule of law to prevail in international relations.

The question of enhancing the efficiency and credibility of United Nations sanctions regimes is one of the major challenges of our times. Sanctions, properly calibrated and applied, remain one of the most important tools for the maintenance of international peace and security and for fighting terrorism. In moving from a system of general sanctions to targeted sanctions, the challenge is to make targeted sanctions "smarter" by limiting or, ideally, eliminating the effects on the general population, without compromising their effectiveness.

The 2005 World Summit Outcome document called on the Security Council to ensure fairness and clarity in the placing and removal of individuals and entities on sanctions lists.

Issues of transparency, accountability and fairness have been raised with regard to the listing and delisting process under Security Council resolution 1267 (1999). While commending the 1267 Committee for its efforts to review its guidelines to address these problems, we are concerned about growing court challenges to the listing decisions of the Committee. To pre-empt such challenges, which have the potential to undermine the credibility not only of the 1267 Committee but of United Nations sanctions regimes as a whole, we support the creation of an appeal or review

mechanism. Our preference would be for a review mechanism distinct from the 1267 Committee. In that regard, we will examine favourably the recent French initiative for the establishment of a focal point in the United Nations for this proposal.

However, this does not answer a fundamental question which is now confronting us: Is a decision of a Security Council sanctions committee subject to judicial review in Member States? That also raises the issue of which system has primacy — the United Nations or the judicial norms of Member States. Until this conflict is resolved, the problem may persist.

In resolving this conflict, we may need to amend the critical sanctions resolutions to the extent that they request Member States to incorporate them into their domestic legislations and compel the courts to enforce and implement them.

Finally, I wish to stress the collective responsibility of all States Members of the United Nations to work towards the strengthening of international law, the rule of law and the maintenance of international peace and security, both within the domestic sphere and on the international plane, by practicing good governance and accountability and observing and implementing all international conventions and instruments.

Mr. Li Junhua (China) (*spoke in Chinese*): At the outset, Sir, I would like to thank you for personally presiding over this meeting. I would also like to thank Under-Secretary-General Nicolas Michel and Judge Rosalyn Higgins for their statements.

At the United Nations summit last year, world leaders reaffirmed their commitment to the purposes and principles of the Charter of the United Nations and to other norms of international relations as the indispensable foundations of a more peaceful, prosperous and just world. The establishment of fair, democratic and harmonious international relations based on international law is the aspiration of the people of the world and the trend of our times. Building a foundation based on the rule of law is of significant importance to ending conflict and to realizing stability and post-conflict reconstruction.

As the major United Nations organ responsible for the maintenance of international peace and security, the Security Council not only performs its functions within the framework of international law, but also plays an important role in strengthening international law. From that perspective, there is no doubt that today's meeting is timely and helpful.

Here I would like to stress the following points. First, strengthening the rule of law during and after conflicts is both a necessary prerequisite for peaceful transition in the context of a conflict situation and a fundamental guarantee for the consolidation of lasting peace in the long run. In the absence of the rule of law, there can be no genuine and lasting peace. At the same time, we must also realize that strengthening the rule of law is not merely a legal matter but is closely related to political, economic and social factors. The various aspects of post-conflict reconstruction should not be dealt with separately, in isolation. Instead, they should be integrated as a whole, with systematic coordination and mutual enhancement, so as to ensure a successful transition and the elimination of potential causes of the recurrence of conflicts.

Secondly, the support and assistance of the international community are indispensable to strengthening the rule of law in conflict areas. One important way of eliminating the root causes of armed conflict and preventing any recurrence of conflict is to strengthen the rule of law and transitional justice.

In that respect, the United Nations should mobilize global resources in a timely manner, and the international community, especially donors, should respond positively. In providing assistance, it is necessary for the United Nations to take full account of local historical customs, cultural traditions and legal systems, respect the autonomy and right of decision of the local people and provide guidance on the basis of actual situations and needs, with particular emphasis on assisting local capacity-building in the area of the rule of law.

Thirdly, organs of the United Nations system should strengthen their coordination, exchange experiences and adopt multiple ways to improve rule of law. It is also necessary to enhance capacity-building in the sphere of the rule of law within peacebuilding operations. The Security Council should engage in close communication and coordination with the Peacebuilding Commission in a joint effort to enhance capacity-building in the area of the rule of law in conflict areas, including by establishing and improving transitional justice mechanisms, effectively putting an end to impunity and bringing about reconciliation, thus

creating a sound peacebuilding environment in terms of the rule of law.

Fourthly, it is necessary to improve the efficiency and credibility of United Nations sanctions measures. Over the past decade, the Security Council has increasingly resorted to sanctions as a means of deterrence or punishment. It is therefore only natural that attention has been focused on the effectiveness of sanctions and on their negative impact. On sanctions, China has always advocated caution. We believe that it is necessary to set strict standards and time lines for sanctions in order to mitigate their negative humanitarian effects. Currently, the Secretariat, the Security Council and the academic community are all engaged in studying the question of how to improve the fairness, transparency and effectiveness of current procedures of listing, delisting and granting humanitarian exemptions.

China supports the improvement of United Nations sanctions regimes and believes that the following principles should be adhered to: sanctions should be based on the relevant Security Council resolutions and applied with caution after extensive consultations; we should base ourselves on facts and evidence and should avoid double standards; full account should be taken of the practical situation of the countries concerned and the nature of the work of the sanctions committees; and it is necessary to improve internal mechanisms and enhance efficiency.

Finally, I wish to reiterate that international law is important as the foundation of the Security Council's work in the maintenance of international peace and security. Strengthening the rule of law in conflict areas is conducive to the realization of the overall objective of peacebuilding. When becoming involved in reconstruction on the ground, including by providing assistance in capacity-building in the field of the rule of law, the Security Council should bear in mind the fundamental interests of the people concerned and the need for overall social stability and should respect the sovereignty of the country concerned. Only in that way can we win the trust and acceptance of the recipient country, truly strengthen the rule of law and give full play to the Security Council's proper role in the maintenance of peace and security.

Mr. Gayama (Congo) (*spoke in French*): My delegation is pleased, Sir, to see you, as Minister for Foreign Affairs of Denmark, presiding over today's meeting. I congratulate the Danish presidency of the Council and thank it for having organized this debate on a subject of such great importance for the international community. My thanks go also to Judge Rosalyn Higgins, President of the International Court of Justice, and to Mr. Nicolas Michel, Under-Secretary-General for Legal Affairs, for their statements, which provided insights that will prove most useful in our discussions. I wish further to thank the delegation of Argentina for having organized an Arria-formula briefing, at which significant observations were made on this matter.

Justice and the rule of law have always been intimately linked with the harmonious functioning of States. In international relations, they are viewed not merely as essential for enhanced security but also as vital to the maintenance of peace. We live in an extremely interdependent world, and that demands greater unity. The role of the United Nations and the Security Council in adapting to this situation has thus changed considerably, as the new challenges we face have changed.

As the High-level Panel on Threats, Challenges and Change observed in its 2 December 2004 report (A/59/565), a collective response is required to the new and old threats that face us. That is particularly true because States are today moving towards societies based on common interests. Hence, the theme of today's meeting is of fundamental importance. It gives us the opportunity — beyond affirming the central role of international law in the activities of the Security Council — to consider how the Security Council can make better use of the legal architecture at its disposal so that it can take more effective action.

One approach focuses on streamlining the legal machinery through which the Council seeks to promote the rule of law, ensure respect for international law and work to end impunity, consistent with the needs of peace, justice and human rights. By creating ad hoc courts, such as the International Criminal Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda and the Special Court for Sierra Leone, the Council has given substance to the ideal of justice as a prerequisite for the restoration of lasting peace. International criminal justice provides invaluable support for national reconciliation and peacebuilding processes; it sends the message that the perpetrators of crimes and other similar acts must know that they will sooner or later pay for their deeds.

Yet we know that such courts do not always possess the means to complete their tasks; they do not always enjoy the cooperation they need to arrest fugitives and alleged perpetrators. This explains the delay that we have witnessed in carrying out the ad hoc tribunals' completion strategies, in spite of their considerable progress in streamlining their own rules of procedure. Cooperation by States is now critical not only to meet the expectations of victims but also — for instance in the case of the International Criminal Court — to promote the complementarity of the jurisdiction of the Court and national jurisdictions.

The establishment of the International Criminal Court was widely seen as a major step forward in the promotion of law and justice. But we need to further operationalize it and ensure its universality by calling upon States not party to the Rome Statute to ratify it. Clearly, recourse to a standing international court gives the international community and societies in conflict or post-conflict situations greater certainty that justice will be done. States that have ratified the Rome Statute, especially developing countries, need international assistance to enable them to take ownership of justice in their own countries by creating national or regional judicial systems able to meet the challenges before them.

In the ongoing quest for justice and the rule of law in the service of peace, another legal institution has demonstrated its capacity to determine the law, establish the facts and define legal situations: the International Court of Justice. Along with the President of the Court, we might regret that there is a certain hesitancy in recourse to the judges at The Hague — including on the part of the Security Council and others — to assess the international legality of given actions. But we must all acknowledge the Court's contribution to building an international order based on law, even though it does not possess the obligatory jurisdiction that would enable it more systematically to fill the justice gap that is often at the origin of international crises and tensions.

Sanctions are a significant tool at the disposal of the Security Council in the exercise of its responsibility for the maintenance of international peace and security; they can enhance Council's authority and help it to attain its goal of achieving peace only to the extent that they are efficient and effective. But it should be noted that the Council's decisions have not always led to the desired change in the conduct of the States concerned. In certain cases, such decisions have been contested by the States or by civil society, which often claim that there is a lack of transparency in the procedures relating to the establishment of the targeted sanctions lists, a lack of recourse or material error.

The outcome document of the September 2005 world summit (General Assembly resolution 60/1) reflected that concern and called for a review of the methods and procedures so as to ensure that they are both effective and credible. In this regard, we have high hopes for the outcome of the deliberations of the Council's Informal Working Group on General Issues of Sanctions.

Promoting and strengthening the rule of law also means that we must adapt the legal tools at our disposal so that they can support our duty to act. That is what the Council has been able to do by skilfully adapting its powers under the Charter. In this regard, we must highlight the importance of conflict prevention, because in too many cases international action has focused on the effects of conflict. Africa — a region dealing with conflict and post-conflict situations — is in a position to benefit from preventive action geared to the nature of African conflicts, most of which, it should be noted, are not direct conflicts between States, but internal struggles resulting from economic or sociopolitical problems. In such cases, the best way to maintain and build peace is to deal with situations before conflict breaks out.

The establishment of the Peacebuilding Commission, which is to hold its first meeting tomorrow, 23 June, represents a further major step forward, because it clearly fills a number of gaps at the international level in terms of conflict prevention and emergence from crisis, in particular by ensuring that all parties involved harmonize their actions with a view to sustainably resolving crises.

In conclusion, I would like to express my satisfaction that this debate has enabled us to renew our commitment to promoting and strengthening the rule of law, respect for which is the only means of bringing about the collective security that we all wish to achieve, in accordance with the Charter. My delegation will fully support the outcome of this debate, and in this context, we would like once again to warmly thank the Danish presidency.

The President: The next speaker is the representative of Mexico, to whom I give the floor.

Mr. Gómez Robledo (Mexico) (*spoke in Spanish*): Introducing his report on the work of the Organization in 2004 (A/59/1), the Secretary-General stated that "Those who seek to bestow legitimacy must themselves embody it, and those who invoke international law must themselves submit to it" (*A/59/PV.3, p. 3*).

Mexico hopes that the debate that has brought us together today will enable us to renew our belief in international law as the best instrument for ensuring peace, the rule of law and development. My delegation therefore fully supports Denmark's purpose in convening this debate, "to consider the Security Council's particular role in promoting international law" and, in particular, "the legal tools applied by the Security Council in its endeavours to maintain international peace and security" (*S/2006/367, annex*).

It is a serious matter that, as the Secretary-General pointed out on the occasion to which I have referred, "Where enforcement capacity does exist, as in the Security Council, many feel it is not always used fairly or effectively". Mexico believes that that is the issue that needs to be addressed today.

Mexico is in no doubt about the primary responsibility entrusted to the Council by the Charter regarding the maintenance of international peace and security. In this regard, Mexico does not customarily distinguish between decisions that the Council may take under Chapter VII of the Charter and those that it may take on the basis of Chapter VI. All of its decisions are governed by Article 25 of the Charter and, given their substantive content, have a binding character for those to whom they are directed.

For that reason, we welcome Denmark's emphasis on the question of the peaceful settlement of disputes and agree that the Council can "take steps to ensure compliance with international law", provided that it "operates within the framework of international law in all its functions" (*S/2006/367, annex*).

The Council must develop its institutional capacity to prevent the outbreak of situations that threaten peace and, in particular, strive to help the parties to a dispute to resolve it in keeping with the procedures set out in the Charter, emphasizing the recommendation that legal disputes should be referred to the International Court of Justice.

As a former Legal Counsel of the United Nations — one of Mr. Michel's predecessors — said, experience proves that almost all international disputes have a legal component. That is something that the President of the International Court of Justice also recalled today. Generally speaking, therefore, all disputes between States stem from differences concerning the interpretation of some rule of international law.

If — as has often occurred — such disputes give rise to a situation that constitutes a threat to the peace, a breach of the peace or an act of aggression, it is logical to suppose that the determination made by the Council pursuant to Article 39 of the Charter and the actions that it decides to take would be grounded in and motivated by international law. The Security Council is bound to discharge its duties in accordance with the purposes and principles of the United Nations, as set out in Article 24, paragraph 2, of the Charter.

Mexico does not question the Council's discretion to make determinations under Article 39 or to change the list of acts that constitute aggression — discretion that the General Assembly recognized in its resolution 3314 (XXIX). Nonetheless, the Council is bound by the purposes and principles set out in Articles 1 and 2.

I should like to clarify my delegation's thinking in this regard. When the Security Council has sought to influence the interpretation of international law, it has done so in a forthright manner. The principle of non-intervention in affairs that are essentially a matter for the internal jurisdiction of States has been the subject of extensive interpretation in terms of substantive content and the legal regime that governs it, even running counter to what the Council itself had determined at other times. This can be seen in particular from the Council's expansion since the 1990s of the very concept of a threat to the peace, determining that grave breaches of human rights and international humanitarian law constitute a threat to the peace. Through such measures, the Council has undoubtedly assumed the role of guarantor of compliance with international humanitarian law, as provided for in Protocol I Additional to the Geneva Conventions. The same can be said of the measures taken by the Council in combating terrorism, particularly since the adoption of resolution 1373 (2001).

However, when making a determination under Article 39 as a prerequisite to the adoption of measures to maintain or restore peace, the Council generally takes an empirical attitude and settles for a general reference to Chapter VII in the preambular part of its resolutions as the legal foundation for its actions. Experience has shown that, as an essentially political body, the Council does not seem to want to define a breach of the peace or an act of aggression from the standpoint of the commission of an internationally wrongful act. It prefers to have recourse to the broader notion of a threat to peace or to a general reference to Chapter VII.

In the view of some, there is no reason at all for the Council to make determinations of a legal nature, for fear that they may have an impact on the international responsibility of States as a result of the attribution of the internationally wrongful act. We believe that to be a groundless fear and that in any case the mandate of the Security Council clearly does not presuppose taking decisions that create international responsibility of States. That falls within the purview of courts, and in particular the International Court of Justice. Nevertheless, when it has deemed it appropriate, the Council has even established that a State is liable under international law for losses and damages stemming from breaches of international law, as set out in paragraph 16 of resolution 687 (1991).

For those reasons, when determining whether there has been a breach of the peace or an act of aggression, the Council should be able to rely on the international legal rule that has been violated and base its decisions in international law. Peace as an end in itself cannot justify any action.

We therefore note with concern not only the trend towards excessive recourse to Chapter VII and certain abuses of the notion of a threat to peace, but also the way in which key criteria governing the rule of self-defence have been diluted, such as the immediacy and attribution of constitutive elements of armed attack against a State — something that no doubt began with resolutions 1368 (2001) and 1373 (2001).

As has been noted, peace does not mean just the absence of an international armed conflict. The evolution of that notion makes international peace and security the result of a combination of factors — such as respect for human rights and international humanitarian law, the right of peoples to self-determination, the validity of democratic institutions, the non-proliferation of all sorts of weapons and the prevention and punishment of acts of terrorism.

The 2005 World Summit adopted, in its Outcome document, a new, multidimensional concept of security that encouraged a new kind of cooperation between the Security Council and the other principal organs of the United Nations, with a view not only to the maintenance of international peace in the narrow sense but to the international order in its contemporary meaning. In that regard, the General Assembly and the International Court of Justice must play a more active role, in line with the functions conferred upon each of them by the Charter.

Mexico proposes that the Security Council consider the desirability of adopting certain measures, such as the following.

First, in proposing options to parties to a dispute, the Council should have more frequent recourse to the peaceful means available under Chapter VI without creating any doubt as to the obligation of States to submit to the mechanisms for peaceful settlement provided for under Article 2, paragraph 3, of the Charter.

Secondly, the Council should propose to parties to a dispute that has been settled by the International Court of Justice the assistance they may need to execute and implement the judgement. In that regard, the Secretary-General should also develop his ability to advise the parties.

Thirdly, the Council should have recourse to advisory opinions of the International Court of Justice. Unlike some States, my delegation does not believe that the material scope of such opinions should be confined solely to matters pertaining to problems having to do with a conflict of competence between the organs of the United Nations system. The advisory jurisprudence of the Court has been of great service to the international community as a whole in the various issues of the growing sphere in which international law is evolving.

Fourthly, the Council should recommend to the General Assembly that it authorize the Secretary-General to seek advisory opinions from the Court. That would not entail amending the Charter, but merely the granting of a general authorization to the Secretary-General, as has been the case in specialized agencies.

If the Secretary-General had that power, he would, with the agreement of the parties to a dispute, be able to request an opinion from the Court while avoiding the need for the parties to present their points of view before political bodies, which could prejudice their respective positions concerning the merits of the dispute.

Fifthly, the Council should refrain from taking decisions of a legislative nature. That falls under the purview of the General Assembly, as provided for under Article 13 of the Charter. The way the Charter should be interpreted — as the constitutional framework that defines the activities of the Council and its obligation to act within the limits imposed upon it by the Charter — has already been determined by the International Court of Justice in an advisory opinion of 1996. Mexico believes that — since that is the sole universal supranational body, and bearing in mind the far-reaching nature of the responsibilities entrusted to it by the Charter and the fact that the Council acts on behalf of all Member States — respecting the limits imposed by the Charter is more important for the Council than for any other organ. It is for that reason that Mexico does not recognize the validity of the argument about the Security Council's residual, implicit or subsidiary powers.

Sixthly, the Security Council should instead encourage the General Assembly to codify and develop international law whenever it believes that the legal framework in force is inadequate to cope with threats to international peace and security. The General Assembly set for itself the task of negotiating the Rome Statute, which created the International Criminal Court, largely in order to put an end to the establishment of ad hoc tribunals by the Security Council. At that time, my country expressed serious objections about the power of the Council to establish jurisdictional bodies. However, that does not mean that we should not recognize the extraordinary work done by those tribunals — quite the contrary. By way of example, as the representative of France noted this morning, the responsibility to protect, referred to in the 2005 Summit Outcome, should be the subject of analysis and debate in the General Assembly — and eventually codification — instead of simply taking refuge in the resolutions of the Security Council, as was the case with resolution 1674 (2006).

Lastly, and more generally, we urge the Council to more closely involve the General Assembly in its work. A restrictive interpretation of the competency of the Security Council on the basis of Article 12 of the Charter is no longer appropriate. Both organs have concurrent competencies in all matters relating to the maintenance of international peace and security. The Court, in another historic advisory opinion, clearly established that Article 24 of the Charter confers primary "but not necessarily exclusive" responsibility on the Security Council in that regard.

My delegation hopes that its proposals will be useful to the Security Council as it discharges the very important functions that we have entrusted to it, and that they will contribute to strengthening international law and thereby the rule of law in its broadest sense.

Mexico and Liechtenstein have requested the inclusion of an agenda item entitled "The rule of law on the national and international levels" on the agenda of the sixty-first session of the General Assembly. Our initiative complements the debate taking place today in the Council and seeks to strengthen the concept of the rule of law and promote cooperation and coordination in applying it.

The President: The next speaker inscribed on my list is the representative of Austria, to whom I give the floor.

Mr. Pfanzelter (Austria): I have the honour to speak on behalf of the European Union and the countries aligning themselves with this statement.

At the outset, I would like to thank the Legal Counsel of the United Nations, Mr. Nicolas Michel, and the President of the International Court of Justice, Judge Rosalyn Higgins, for their statements.

We are very grateful to the Danish presidency of the Security Council for organizing today's open debate. We warmly welcome this initiative.

The European Union reaffirms its deep commitment to an international order based on international law, including human rights law, and the rule of law, with the United Nations at its core. We recall that one of the main founding purposes of the United Nations is to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained.

The European Union is pleased to note the special attention given to international law and the rule of law

at the 2005 world summit. We believe that international law and the rule of law are the foundations of the international system. Clear and foreseeable rules, respect for and adherence to the rules, and an effective multilateral system to prevent or sanction violations of the rules are preconditions for lasting international peace and security. It is imperative that we Member States, the United Nations and regional and subregional organizations join our efforts to strengthen the rule of law in all its dimensions at the national, international and institutional levels.

The United Nations, through its various organs, plays a pivotal role in promoting the rule of law. As we have heard this morning, the International Court of Justice, as the principal judicial organ, contributes to the strengthening of international law through the peaceful settlement of disputes among States. The General Assembly, with its Sixth Committee and the International Law Commission, plays a key role through the codification and progressive development of international law. In that context, I would like to highlight the recent initiative by Liechtenstein and Mexico to include an item on the rule of law at the national and international levels on the agenda of the next session of the General Assembly.

The Secretariat and other United Nations bodies — the Office of Legal Affairs, the Department of Peacekeeping Operations, the United Nations Office on Drugs and Crime, the United Nations Development Programme and the Office of the United Nations High Commissioner for Human Rights — contribute to the strengthening of the rule of law through their various rule-of-law activities, including programmes of technical assistance, which the European Union fully supports.

We recall the Secretary-General's pledge in his opening address to the General Assembly at its fifty-ninth session to make the strengthening of the rule of law a priority of the Organization. In order to streamline and coordinate all United Nations activities to promote the rule of law, we look forward to the establishment of a rule of law assistance unit in the Secretariat without further delay.

The Security Council, given its unique role and function of maintaining international peace and security, is promoting the international legal order through various measures, such as the establishment of international criminal tribunals, border and inquiry commissions, complementing the legal framework for countering terrorism and the proliferation of weapons of mass destruction, and enforcing compliance with rules through the imposition of sanctions. We welcome all initiatives that highlight the efforts of the Security Council in that regard. In that context, I would like to refer to the series of panel discussions launched by my own country in October 2004 on the role of the Security Council in strengthening a rules-based international system.

During the last open debate on this subject in October 2004, the promotion of the rule of law in conflict and post-conflict situations was extensively discussed. After the debate, the Security Council issued a presidential statement urging the Secretariat to make proposals for the implementation of the recommendations set out in paragraph 65 of the Secretary-General's 2004 report. The proposals are still pending to this day, and we call upon the Secretariat to follow up on the request of the Security Council without further delay. Adequate resources devoted to the rule of law need to be secured in order to be able to quickly and effectively fill the rule of law vacuum in post-conflict situations.

The European Union welcomes the establishment of the Peacebuilding Commission, which will have an important role to play in the promotion of the rule of law. The European Union believes that respect for international law and the rule of law is the cornerstone of peacebuilding. Rule of law aspects should be incorporated into the Peacebuilding Commission's country-specific strategies and recommendations in order to assist countries under consideration to achieve sustainable peace. In that context, we wish to highlight the Justice Rapid Response Initiative supported by a number of European Union countries, which is to provide, at short notice, cost-effective expertise and resources in support of genuine efforts to investigate, prosecute and bring to justice alleged perpetrators of genocide, crimes against humanity and war crimes.

Regarding the international efforts to end impunity for the most serious crimes of international concern, the European Union supports the full range of transitional justice mechanisms, such as truth commissions, international tribunals or mixed tribunals. Justice is a key element for lasting peace and reconciliation. The United Nations should continue to be at the forefront of the fight against impunity. The European Union strongly believes that the International

Criminal Court (ICC) is one of the most effective tools for buttressing the rule of law, encouraging respect for human rights and combating impunity.

The ICC is an essential instrument for the prevention of genocide, crimes against humanity and war crimes. The European Union reaffirms its determination to obtain the widest possible support for the ICC, including by promoting universal acceptance of the Rome Statute. More than half of United Nations members are now parties. We urge all other States to accede without delay. We strongly encourage the Security Council to continue to make use of its competence to refer situations to the ICC, as it has done in the case of Darfur.

The European Union remains committed to supporting the efforts of the International Criminal Tribunals for the former Yugoslavia and Rwanda to successfully accomplish their completion strategies. Yet we note with great concern that several of the key accused remain at large and urge all States to fully cooperate with the Tribunals. On the Special Court for Sierra Leone, the European Union welcomes the recent adoption of Security Council resolution 1688 (2006), which approved the transfer of the trial of the former Liberian President Charles Taylor to The Hague. Finally, the European Union welcomes the progress achieved in establishing the Extraordinary Chambers in the Courts of Cambodia for the prosecution of crimes committed during the period of Democratic Kampuchea. We hope that the Extraordinary Chambers will become fully operational in the near future.

Sanctions play an important role in conflict resolution and in the promotion of compliance with international law. They have also become an indispensable tool in the fight against terrorism. However, when targeting individuals and entities, sanctions also raise a number of questions regarding procedural guarantees. In the current debate, questions of adequate listing and delisting procedures and effective review of sanctions play an important role. In that context, we reiterate the call of the 2005 world summit on the Security Council to ensure that fair and clear procedures exist for placing individuals and entities on sanctions lists and for removing them, as well as for granting humanitarian exemptions.

The European Union stresses the importance of upholding certain minimum standards to ensure fair and clear procedures when designing and implementing sanctions. We believe that such procedures are essential to preserve the legitimacy and reinforce the efficacy of the United Nations sanctions regimes. We reiterate our call upon the 1267 Committee to continue its efforts to further improve the Al-Qaida and Taliban sanctions regime, especially the Committee guidelines regarding listing and delisting.

The European Union has extensive experience in designing, implementing, enforcing and monitoring restrictive measures in the framework of its Common Foreign and Security Policy and has elaborated specific guidelines and a best-practices paper. In that regard, we note the contributions of some Member States to the discussions in the Security Council, including initiatives by Council members such as Denmark and France to establish mechanisms which would ensure that individuals' requests for delisting or exemptions are systematically forwarded to the sanctions committees for review and an academic study on strengthening targeted sanctions through clear and fair procedures, co-sponsored by Germany, Sweden and Switzerland. We also note the recent publication of a study commissioned by the Office of Legal Affairs and posted on the United Nations website (http://www.un.org/law/counsel/Fassbender_study.pdf).

In conclusion, we would like to stress that our efforts to strengthen international law and the rule of law serve not only the abstract goal of a rules-based international order but, ultimately, the protection of the rights and interests of individuals at both the national and international levels. Given the importance of that objective, we are confident that the international community will not lose interest in the subject. The European Union will continue to make its contribution.

The President: There are still a number of speakers remaining on our list for this meeting. I intend, with the concurrence of members of the Council, to suspend the meeting until 3 p.m.

The meeting was suspended at 1.25 p.m.